

Press Distribution Charter

Stage 3 - Independent Arbitration Decision

PDC Reference Number:

PDC208644/01/08/2017

Date First Issued:

08/08/2017

Name of Arbitrator:

Neil Robinson

Date complaint sent to Arbitrator:

25/08/2017

In the matter of the Arbitration Act 1996 and in the matter of a dispute between Mr Barnes and Smiths News (SN), 3 Northbrook Road, Gloucester. This complaint concerns alleged failure by Smiths News to deliver all titles and their appropriate sections no later than the Retailer Delivery Time or Scheduled Delivery Time for the day of sale, contrary to Press Distribution Charter (PDC) standards 2.1 and 4.1.

Mr Retailer complains that on 01/08/2017 his delivery was short supplied 14 'Sun', 6 'Western Daily Press' and 1 'Racing Post'. Mr Retailer phoned the SN Customer Service Line to report the incident. Having heard nothing from SN and still not received the missing copy, Mrs. B. telephoned SN again at approximately 07.30 and it is alleged that the representative rudely told her that there was no driver available and put the phone down on her. On 12/08/2017 there was a subsequent delivery problem with 3 'Irish Independents' being received rather than 3 'Western Daily Press'. Mr Retailer did receive credit for the loss sales and a refund of one days' carriage service charge, but considers that he should receive restitution for his time spent resolving the issue.

SN does not refute the complaint. It did offer restitution as detailed above to Mr Retailer and agreed to have additional checks on Mr Retailer's supply for a while.

Having considered all of the evidence submitted to me, I adjudicate as follows:

1. The PDC complaints process is designed to resolve serious or persistent breaches of the standards contained in it. It is not intended to be used for occasional service 'blips'.
2. I do not consider the service failures in this case to be serious or persistent and furthermore SN has made full restitution payment to Mr Retailer In this situation the complaint should have been deemed resolved at Stage 1 - Informal Discussion.
3. In circumstances where a wholesaler has not delivered product or under allocated restitution is only appropriate for the proven lost margin on the sale of that product.
4. Under the PDC Complaints Process management or owner time cannot be considered for restitution nor the time or cost of originating the Complaint.
5. In my opinion SN has exceeded its obligation to Mr Retailer

Neil Robinson

Signature of Arbitrator: _____

Date: 31st August 2017

Seat of Arbitration: London, England.

Date form returned to PDC Administrator:

01/09/2017

Date Independent Arbitration Decision
sent to Wholesaler & Retailer:

07/09/2017