

Press Distribution Charter

Stage 3 - Independent Arbitration Decision

PDC Reference Number:

PDC226509/17/06/2017

Date First Issued:

16/06/2017

Name of Arbitrator:

Neil Robinson

Date complaint sent to Arbitrator:

29/08/2017

In the matter of the Arbitration Act 1996 and in the matter of a dispute between Mr. Retailer and Smiths News (SN),. This complaint concerns alleged failure by Smiths News, Unit 45, Elmdon Trading Estate, Bickenhill Lane, Marston Green, Solihull, Birmingham, B37 7HE 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 makes a number of complaints relating to his supply, namely late delivery, short supply, damaged papers and no paperwork. He made a formal Press Distribution Charter (PDC) Stage 2 Complaint in June and SN undertook to make checks on his delivery. The problems continued and Mr Retailer felt compelled to make a further Stage 2 Complaint in August. Unfortunately, Mr Retailer did not detail the instances forming the basis of his complaint nor itemise his losses occasioned by the poor service levels. I did write to Mr Retailer requesting further and better particulars and have sent a subsequent reminder, but Mr Retailer has failed to respond.

SN does not deny that problems have arisen. It has sent the delivery out earlier from the depot and checking the parcels before they leave. It has had conversations with Mr Retailer and understood that Mr Retailer was now happy with his supply. SN credited Mr Retailer with the sum of £5.00 as a goodwill gesture.

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

1. Unfortunately, Mr Retailer has not supplied any detail in support of his complaint.
2. By letter dated 29/08/2017 I requested that he provide me with a 5-column list for each date that was the subject of his claim showing: title name, quantity, cover price, RDT/SDT time and actual delivery time. If he was claiming restitution for unsold copy; a summary of the amount claimed and loss suffered, a copy of the Returns Note showing the titles/number of copies returned on the subject date and a copy of the last three previous Returns Notes for the equivalent days. He was given 7 working days to comply with this request.
3. Mr Retailer did forward some further information which solely related to missing copy and paperwork. No reference was made to late deliveries.
4. The new information forwarded did not quantify any loss suffered by Mr Retailer
5. A further request to Mr Retailer ascertained that he had received credit for the missing copy complained of.
6. I note that SN has not refuted the complaint, apologised for the inconvenience caused and credit Mr Retailer with £5.00 "as a goodwill gesture". Furthermore SN has got Mr. D's round out earlier and checking the parcels before they leave the depot.

7. Without detail of loss suffered I am unable to assist Mr Retailer other than to find in his favour and suggest that Mr Retailer now monitors the situation and keep accurate records of each day's delivery. Should SN fail to meet the PDC standards he should make a fresh complaint making certain that proper attention is given to point (2) above.

Neil Robinson

Signature of Arbitrator: _____

Date: 12th September 2017

Seat of Arbitration: London, England.

Date form returned to PDC Administrator:

12/09/2017

Date Independent Arbitration Decision
sent to Wholesaler & Retailer:

13/09/2017