

Press Distribution Charter

Stage 3 - Independent Arbitration Decision

PDC Reference Number:

PDC226578/17-04-18

Date First Issued:

17/04/2018

Name of Arbitrator:

Neil Robinson

Date complaint sent to Arbitrator:

19/05/2018

In the matter of the Arbitration Act 1996 and in the matter of a dispute between Mr Retailer and Smiths News (SN), Elmdon Trading Estate, Bickenhill Lane, Martson Green, B37 7HE. This complaint concerns alleged failure by Smiths News to process all returns collected from retailers for credit on the next available invoice, normally for the same week as collection contrary to Press Distribution Charter Standard (PDC) 5.9.

Mr Retailer complains that since the end of February 2018 he has not been receiving full credit on his newspaper returns on an almost daily basis with between 1 and 4 newspapers with credit missing. He believes it is costing him between £5.00 and £6.00 per day. In his complaint he cites 8th, 10th, 12th, 17th, 19th, 20th and 26th March 2018 and 1st, 2nd, 3rd, 4th, 6th, 7th, 9th and 10th April 2018. He maintains that he calls SN on every day the problem manifests itself, but each time he is kept on hold for a long time and/or cut off. Emails to SN are not responded to. He did receive a call from gentleman called Martin from SN at the beginning of April who promised that the service failure would be rectified and provided his contact details for Mr Retailer to phone him if further problems arose. There was improvement for a few days, but the problems continued and Martin did not return calls.

Unfortunately, SN has not forwarded me a copy of its response to Mr Retailer's Stage 2 Complaint. However, in its Stage 3 Wholesaler Statement of Case it offers no defence to the complaint and apologises to Mr Retailer It confirmed that all outstanding credits listed in Mr Retailer's Stage 2 Complaint had now been processed and that in future all Mr Retailer's returns parcels would be on daily Quality Assurance check in order to ensure that copies scanned back in the depot are correct.

Having carefully examined all of the evidence submitted in this case, I adjudicate as follows:

1. As stated above, PDC Standard 5.9 requires wholesalers to process all returns collected from retailers, to process them and credit them on the next available invoice.
2. SN has not supplied me with a copy of its response to Mr Retailer's Stage 2 Complaint, if there is one, but from its Stage 3 Statement of Case I understand that all of the credit issues detailed in Mr Retailer's Stage 2 have now been processed and that daily Quality Control checks have been placed on Mr Retailer's returns.
3. Provided that Mr Retailer has now received all credits due and in view of the measures that SN has put into place to correct the problem, I consider the matter closed.
4. I am concerned at SN's apparent lack of response to Mr Retailer's telephone calls and emails. It is reminded that PDC Standard 9.5 provides that:

"Email correspondence to wholesalers will be acknowledged within a maximum of two working days of receipt. Postal correspondence will be acknowledged within a maximum of five working days of receipt."

Neil Robinson

Signature of Arbitrator: _____

Date: 31st May 2018

Seat of Arbitration: London, England.

Date form returned to PDC Administrator:

31/05/2018

Date Independent Arbitration Decision
sent to Wholesaler & Retailer:

07/06/2018