

Press Distribution Charter

Stage 3 - Independent Arbitration Decision

PDC Reference Number:

PDC228249/22/05/2017

Date First Issued:

22/05/2017

Name of Arbitrator:

Neil Robinson

Date complaint sent to Arbitrator:

27/06/2017

In the matter of the Arbitration Act 1996 and in the matter of a dispute between Mr Retailer and Smiths News (SN), Lingard Lane, Stockport, SK6 2QT . This complaint concerns alleged failure by Smiths News to deliver all titles and their appropriate sections, no later than the Retail Delivery Time, or the SDT, for the same day as provided by Clause 2.1 of the Press Distribution Charter (PDC).

Mr Retailer raised a Stage 2 PDC on 25/05/2017 concerning late delivery of titles on 06/05/2017, 13/05/2017 and 20/05/2017. He was alleges that he was offered a number of reasons for the lateness:

1. New driver.
2. Supply issues.
3. Left depot late

Ultimately, the stated reason was given as "later than expected publisher inbounds" and took no further action.

For its part, SN admit that it was late delivering to Mr Retailer on the stated dates and confirms that the cause was late inbound publisher deliveries. SN does not provide details of the late inbound deliveries to substantiate its stance. SN did try and alleviate the problem by moving him onto a different round as from week ending 29/05/2015.

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

1. SN cannot claim that its lateness was due to late inbound deliveries and take no further action.
2. If SN considered that its failure to deliver to Mr Retailer no later than his RDT/SDT it should have passed Mr Retailer's completed Stage 2 onto the relevant account manager of the publisher concerned for him to take up the complaint.
3. If Mr Retailer had raised a complaint about late inbound newspapers direct with SN without submitting a completed Stage Complaint Form, SN should have supplied Mr Retailer with the relevant contact details on the appropriate publisher.
4. I note from my records that recently I gave similar advice at Point 12 in the adjudication of PDC Stage 3 PDC216073/22/03/2017.

5. Having regard to the points above I direct SN to forward the completed Stage 2 Complaint Forms to the publisher/s concerned in the incidents complained of for them to continue with the complaint.
6. If Mr Retailer is dissatisfied with the eventual outcome of his complaint at Stage 2 he is free to refer the matter back to me for a further Stage 3 adjudication.

Neil Robinson

Signature of Arbitrator: _____

Date: 30th June 2017

Seat of Arbitration: London, England.

Date form returned to PDC Administrator:

30/06/2017

Date Independent Arbitration Decision sent to Wholesaler & Retailer:

30/06/2017