

## Press Distribution Charter Stage 3 - Independent Arbitration Decision

PDC Reference Number:

PDC/207522/12062019

Date First Issued:

12/06/2019

Name of Arbitrator:

Neil Robinson

Date complaint sent to Arbitrator:

10/07/2019

### Independent Arbitration Decision

In the matter of the Arbitration Act 1996 and in the matter of a dispute between Mr. Retailer (Mr. D.), and Smiths News (SN), Unit 45, Elmdon Trading Estate, Bickenhill Lane, Marston Green, Solihull, Birmingham, B37 7HE. This complaint concerns alleged failure by Smiths News to deliver/supply various paperwork including Returns Documentation in accordance with Press Distribution Charter Standard s 5.6 and 5.7.

By undated PDC Stage 2 Complaint Mr. D. alleges that, since closing his shop on Sundays as of 28/10/2018, he has not been receiving relevant paperwork with his delivery on the following Monday. He claims that he has been trying to get this matter resolved on a weekly basis ever since 28/10/2018 without success. Mr. D. did raise a PDC Stage 2 Complaint in late February 2019 to which SN apologised for the inconvenience caused and undertook to give instructions to staff in order to ensure that his paperwork was printed and dispatched with Monday's live news. Unfortunately, the issue continued. Mr. D. then found it necessary to make a second PDC Stage 2 Complaint dated 13/06/2019. Mr. D. indicates that the lack of paperwork has caused him unspecified cost and large telephone bills.

By letter dated 21/06/2019 SN undertook to "put into place that the driver must come to me (Operations team Leader) or another member of the night team and collect your paperwork from us". By doing this SN hoped that the issue would be resolved. In its Stage 3 - Wholesale Statement of Case SN indicated that, since the above-mentioned measures were put into place, Mr. D. has made no further complaint concerning the delivery of his paperwork.

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

1. It is essential to the running of any business that it receives clear and accurate documentation.
2. PDC Standards 3.2 and 3.3 demand the supply of documentation concerning supply, 5.6 and 5.7 returns documentation, 6.1 clear and accurate invoices and 7.2 voucher recall notes.
3. All of the paperwork detailed in (2) above must be provided in order that retailers can manage their businesses thereby increasing sales and reducing inefficiencies.
4. Quite clearly SN has failed to deliver paperwork to Mr. D. in a timely manner and, indeed, has apologised for this. Whilst I am sure the apology is well-intended, it does not ensure that the problem is rectified. I note from SN's 'Stage 3 - Wholesale Statement of Case' that Mr. D's problems have been resolved, although I have not had any confirmation of this from Mr. D. himself.
5. I trust that Mr. D.'s issue has been resolved, if not SN is directed to ensure that the PDC standards relating to paperwork are complied with.
6. Mr. D. is entitled to restitution if he has suffered financial loss through missing magazine return

dates due to lack of a Returns Sheet. However, he has not quantified his loss. If Mr. D. wishes to pursue a claim for restitution he should prepare a schedule of his losses caused by the SN service failures over the period covered by his complaint. Once completed, he must submit the same to SN for settlement. SN must settle the same unless there is a dispute, in which case the issue should be referred back to me for further adjudication.

*Neil Robinson*

Signature of Arbitrator: \_\_\_\_\_

Date July 16th 2019

Seat of Arbitration: London, England.

Date form returned to PDC Administrator:

16/07/2019

Date Independent Arbitration Decision  
sent to Wholesaler & Retailer:

17/07/2019