

Press Distribution Charter Stage 3 - Independent Arbitration Decision

PDC Reference Number:

PDC/217190

Date First Issued:

Name of Arbitrator:

Neil Robinson

Date complaint sent to Arbitrator:

07/09/2019 - (Further and better particulars required.)

In the matter of the Arbitration Act 1996 and in the matter of a dispute between Mr. Retailer and Smiths News (SN), Unit 1 Punchbowl Park, Hemel Hempstead, HP2 7EU. This complaint concerns alleged failure by Smiths News to deliver all titles and their appropriate sections, no later than the Retailer Delivery Time (RDT), or Scheduled Delivery Time (SDT), for the day of sale in accordance with Press Distribution Charter (PDC) Standard 2.1

There does not appear to have been a Press Distribution Charter Stage 2 Complaint in this case. Mr. D. has submitted a PDC Stage 3 - Retailer Statement of Case form in which he claims that SN "never responded to the PDC complaint", but he has not forwarded a copy of the Stage 2 Complaint. He claims late delivery of newspapers and magazines from 18/08/2019 and that his RDT is 05.30.

SN advised that there had been an on-going dialogue with Mr. D. in the early part of 2019 which resulted a letter dated 11/02/2019 being sent to Mr. D. advising him that his STD of 06.00 on weekdays had been consistently met but that it needed to revert to an STD of 06.00 on Saturdays due to inbound delivery from publishers. It had requested written confirmation of the RDT/STD times detailed in the said letter. SN maintains that it had not received a PDC Stage 2 Complaint from Mr. D.

Having carefully considered the evidence before me I adjudicate as follows:

1. As Independent Arbitrator I have to make a judgement as to whether the issue under review has been properly dealt with at Stage 2 of the Press Distribution Charter (PDC) complaints process.
2. SN maintains that it has never received a PDC Stage 2 Complaint from Mr. D has not supplied me with a copy of the same.
3. As there does not appear to have been a Stage 2 Complaint in this case I am unable to adjudicate on it.

Signature of Arbitrator:

Neil Robinson

Date September 17th 2019

Seat of Arbitration: London, England.

Date form returned to PDC Administrator:

17/09/2019

**Date Independent Arbitration Decision
sent to Wholesaler & Retailer:**

30/09/2019