

## Press Distribution Charter

### Stage 2 - Independent Arbitration Decision

PDC Reference Number:

PDC/217190/240322

Date First Issued:

24/03/2022

Name of Arbitrator:

Neil Robinson B. A. (Law), M.C.I.Arb.

Date complaint sent to Arbitrator:

22/04/2022

In the matter of the Arbitration Act 1996 and in the matter of a dispute between Mr. D. and Smiths News (SN), 462 - 463 Berkshire Avenue, Slough, Berkshire, SL1 4PL. This complaint concerns alleged failure by Smiths News to provide a Delivery Note showing the odds, the stock bundle quantity and total quantity delivered contrary to Standards 3.2 and 3.3 of the Press Distribution Charter (PDC), 3rd Edition.

Mr. D. complained by Step 1 PDC complaint dated 21/12/2021, that SN had changed its Delivery Note and that the new Delivery Note did not show the quantity of stock bundles and the total quantity of a publication received.

Unfortunately SN failed to log Mr. D.'s complaint as PDC issue and Mr. D. made a further complaint dated 18/03/2022 as a PDC Step 2 Arbitration Complaint. Mr. D. further complains that SN failed to follow due process with regard to his PDC Step 1 Complaint

SN admit to failing to recognise Mr. D.'s original complaint as a Step 1 PDC Complaint. It referred the matter to its Slough Depot and it responded by claiming that its packing system changed in September 2022. The new system produces 'real time' packing sheets for the odd copies which are linked to the individual parcels thereby enabling it to fully track the complete newspaper delivery to stores. The full bundles are produced and tracked by means of traceable full bundle labels.

SN state that "there is not any paperwork produced listing the number of full bundles." However, total copies are visible via its SNapp and are detailed on the DPDN paperwork that is supplied daily to customers.

After careful consideration of the evidence submitted to me I adjudicate as follows:

1. There seems to be confusion in this case regarding Packing Sheets, Delivery Notes and DPDNs.
2. The matter is not helped by the fact that the PDC fails to clearly identify the various paperwork required and the information that should appear on it, in that:
  - a. Standard 3.2 provides that "Wholesalers will record the number of parcels and time of delivery to produce traceable delivery information in the event of a delivery dispute."
  - b. Standard 3.3 provides that "Supplies will be delivered in a saleable condition with details of title and quantity on the delivery note."
  - c. Standard 3.6 provides that "The wholesaler will clearly identify on its documentation all supplements and inserts notified by the publisher, together with handling allowances, where appropriate."
3. 3.2 requires wholesalers to "record the number of parcels". It does not say in what form or where it is to be recorded. The Standard goes on to provide that the purpose of the Standard is to "produce traceable delivery information in the event of a delivery dispute." This strongly suggests that it is not a daily requirement that needs to be supplied to the retailer, rather available if there is a dispute.

4. It follows that, provided the wholesaler keeps a record of the number of parcels and time of delivery, it is conforming to the Standard. The Standard does not require the wholesaler to supply the said data to the retailer on a daily basis.
5. SN's DPND is a daily delivery note showing the title, issue, quantity, discounts where appropriate and any VAT cost and, as such, satisfies Standard 3.3.
6. Mr. D. makes no complaint relating to Standard 3.6.
7. In conclusion, I believe that SN is conforming to the PDC Standards. SN has changed its Delivery Note and that has removed quantity of the full bundles from the record. This represents change rather than a lack of conformity with the Standards of the PDC.
8. I note with concern the fact that SN failed to log Mr. D.'s PDC Complaint dated 21/12/2021. It is essential for PDC Complaints to be recorded as such thereby enabling them to capture for ongoing monitoring of the efficiency of the supply chain. SN needs to tighten up its complaints process so that this service failure does not happen again.

*Neil Robinson*

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

Date: 23rd April 2022

Seat of Arbitration: London, England.

Date form returned to PDC Administrator:

25/04/2022

Date Independent Arbitration Decision  
sent to Wholesaler & Retailer:

28/04/2022