

# Press Distribution Charter

## Stage 3 - Independent Arbitration Decision

**PDC Reference Number:**

PDC223911/06-12-17

**Date First Issued:**

08/01/2018

**Name of Arbitrator:**

Neil Robinson

**Date complaint sent to Arbitrator:**

29/03/2018

In the matter of the Arbitration Act 1996 and in the matter of a dispute between Mr Retailer and Smiths News (SN), Unit 1, Interchange Park, Jenna Way, Newport Pagnall, Milton Keynes, MK16 9QL. This complaint concerns alleged failure by Smiths News to deliver all titles and their appropriate sections no later than the Retailer Delivery Time or Scheduled Delivery Time for the day of sale contrary to Standard 2.1 of the Press Distribution Charter (PDC) and to supply product in a saleable condition contrary to Standard 3.3 of the PDC.

Mr Retailer cites breaches of PDC standards on the following dates: 15/02/2017, 16/02/2017, 23/03/2017, 18/04/2017, 20/04/2017, 27/04/2017, 24/05/2017, 25/05/2017, 30/06/2017, 20/08/2017, 21/10/2017 and 28/10/2017. These alleged instances include lateness of supply, missing titles, short supply and missing supplements.

SN claims a packing accuracy over the period concerned of 99.8%, but that late publisher in bound deliveries had impacted on retail delivery times on a number of occasions. SN points out that Mr Retailer's supplies are on the first scheduled van away from the depot and his RDT is 04.45.

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

1. There appears to have been issues concerning Mr Retailer's supply at various times throughout 2017, however the Press Distribution Charter complaints process cannot be used if the incident/s complained of occurred more than three months prior to the date on the Stage 2 Complaint Form. Mr Retailer's Stage 2 Complaint Form was dated 06/12/2017. In these circumstances, I can only consider the issues raised regarding 21/10/2017 and 28/10/2017.
2. To make a formal PDC Complaint the incidents complained of must have been serious or persistent.
3. Persistent is defined as follows:  
  
Newspapers – The same problem occurs three times in three weeks for Monday to Friday newspapers three times in six weeks for Saturday or Sunday newspapers.  
  
Magazines – The same problem occurs three times in six issues of a weekly, fortnightly or monthly magazine.
4. The incidents I am allowed to consider as stated above do not qualify as persistent.
5. Seriousness can only be determined on the circumstances of each case and the Independent Arbitrator has the ultimate determination on this point.

6. I do not consider that the incidents complained of on 21/10/2017 and 28/10/2017 were serious and therefore fall outside of the scope of the PDC Complaints Process and therefore cannot be adjudicated upon.

*Neil Robinson*

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

Date: 5th April 2018

Seat of Arbitration: London, England.

Date form returned to PDC Administrator:

05/04/2018

Date Independent Arbitration Decision  
sent to Wholesaler & Retailer:

05/04/2018