

Press Distribution Charter

Stage 2 - Independent Arbitration Decision

PDC Reference Number:

PDC/240747/21/10/22

Date First Issued:

21.10.2022

Name of Arbitrator:

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

Date complaint sent to Arbitrator:

09/12/2022

In the matter of the Arbitration Act 1996 and in the matter of a dispute between Ms. K. and Smiths News (SN), Unit 1 Punchbowl Parade, Hemel Hempstead, HP2 7EU. This complaint concerns alleged failure by Smiths News to:

- a) 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 contrary to Press Distribution Charter (PDC) 3rd Edition Standards 2.1 and 4.1.
- b) process all returns collected from retailers for credit on the next available invoice, normally for the same week as collection, contrary to PDC 3rd Edition, Standard 5.9.
- c) communicate satisfactorily with her contrary to PDC, 3rd Edition, Section 9.

By On-line Complaint form dated 21/10/2022 Ms. K. claimed various alleged service failures as detailed above. Her Step 1 Complaint was appended to with a detailed summary of alleged incidents that occurred between 02/08/2022 and 19/10/2022.

By letter dated 02/11/2022 SN acknowledged the PDC Step 1 Complaint and apologised for the inconvenience caused. It advised that it had reviewed all the queries at title level, and that they had already been credited/resupplied. Furthermore SN had changed its process with the aim of providing a more efficient service. However, after a further review, it had identified gaps within its process which it had re-evaluated and made adjustments. It undertook to monitor Ms. K.'s account in order to ensure that issues did not re-occur. SN also issued a credit of one week's delivery service charge.

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

1. The Press Distribution Charter sets out a number of standards that have been designed to ensure that retailers receive a good service from their wholesaler or publisher/distributor. On those occasions when things are not right there is a complaints process that provides a fair, fast and reliable way to correct or resolve the problem.
2. Both parties to a PDC Step 1 Complaint or a Step 2 Arbitration are required to follow the prescribed complaints process as set out in the document "Make a Complaint" which forms part of the website dedicated to the PDC and its complaints process.
3. The complaints process requires a retailer to submit the completed Step 2 form within 7 days of receiving the same.

4. SN responded to Ms. K's Step 1 Complaint by letter dated 02/11/2022 and her Step 2 - Arbitration Statement of Case form was dated 30/11/2022. Within her submission Ms. K. intimates that she delayed escalating her complaint to Step 2 in order to determine whether her service levels improved. Taking this into consideration and the time delay detailed above, i.e. 28 days I have to adjudicate in favour of SN on the grounds that Ms. K. has not followed proper procedure.

5. This adjudication does not debar Ms. K. from starting the PDC complaints process again.

6. I need to point out to Ms. K. that her complaint lacks sufficient detail of her alleged losses. In any re-submission of this complaint I suggest that she prepare a detailed list for each date that was the subject of her claim.

7. Furthermore it would appear that a considerable number of the service failures alleged by Ms. K. in her detailed complaint have been resolved. Whilst I can admit them as evidence of 'persistence' they should not be included in any schedule detailed in (6) above unless she considers that those issues have not been resolved.

Neil Robinson

Signature of Arbitrator: _____

Date: 17th December 2022

Seat of Arbitration: London, England.

Date form returned to PDC Administrator:

17/12/2022

Date Independent Arbitration Decision sent to Wholesaler & Retailer:

19/12/2022