
DRAFT STATUTORY INSTRUMENTS

2016 No.

The Pubs Code etc. Regulations 2016

PART 9

Business development managers and compliance officers

Annual compliance report

43.—(1) A pub-owning business must ensure that the compliance officer submits an annual compliance report to the Adjudicator relating to each financial year⁽¹⁾.

(2) The annual compliance report must be submitted to the Adjudicator within the period of 4 months beginning with the day after the end of the financial year to which the report relates.

(3) Paragraph (4) applies in relation to a person who, immediately before these Regulations come into force, is the landlord of 500 or more tied pubs.

(4) The person must ensure that the first annual compliance report required under paragraph (1) relates to the period—

- (a) beginning with the day on which these Regulations come into force; and
- (b) ending on the last day of the first subsequent full financial year.

(5) Before the annual compliance report is submitted to the Adjudicator under paragraph (2), the report must be approved—

- (a) by the Chair of the Audit Committee; or
- (b) if the pub-owning business does not have an Audit Committee, by the non-executive director of the pub-owning business responsible for carrying out the functions normally associated with an Audit Committee, or, in the absence of any such non-executive director, by the pub-owning business's Chief Executive Officer, Managing Director or equivalent.

(6) The annual compliance report must include a detailed and accurate account of —

- (a) the pub-owning business's compliance with these Regulations in the period to which the report relates;
- (b) any instances where a breach or alleged breach of these Regulations has been identified by a tied pub tenant;
- (c) the steps taken in relation to any such breach, or alleged breach; and
- (d) any steps taken during the period to which the report relates to ensure compliance with these Regulations, including details of training and guidance offered to employees in connection with the Regulations.

(7) The pub-owning business must ensure—

- (a) that the compliance officer provides such other reports as are necessary to ensure that the pub-owning business's Audit Committee has an understanding of the pub-owning business's compliance with these Regulations; or

(1) Section 72(1) of SBEEA 2015 defines "financial year".

- (b) that, if the pub-owning business does not have an Audit Committee, the compliance officer reports directly to the non-executive director of the pub-owning business responsible for carrying out the functions normally associated with an Audit Committee, or, in the absence of any such non-executive director, to the pub-owning business's Chief Executive Officer, Managing Director or equivalent.
- (8) A summary of the annual compliance report must be included in the pub-owning business's annual report.
- (9) If the pub-owning business does not produce an annual report, the summary of the annual compliance report must be published clearly and prominently on the pub-owning business website (if any) within the period of 4 months beginning with the day after the end of the financial year to which the report relates.