Independent Communications Authority of South Africa
350 Witch-Hazel Avenue,
Eco-Point Office Park
Centurion

COUNCIL DECISIONS– 22 May 2020

ITEM NO.	AGENDA ITEM	DECISION
1.	**National Sports Broadcasting Service Draft Regulations and Explanatory Memorandum** The purpose of the submission was to request Council to approve the draft regulations and Explanatory Memo for publication in the government gazette and for invitation to stakeholders to make written submissions on the draft regulations and explanatory memorandum 1.1 The Committee published draft regulations on Sports Broadcasting Services on 13 December 2019. The Authority received 38 submissions from stakeholders. 1.2 The Authority held public hearings from 27 to 31 May 2019. During these hearings, the Authority requested additional information from several stakeholders which was received on 04 August 2019. 1.3 On 05 April 2020, after holding a joint meeting with Minister of Communications and Digital Technologies as well as the Minister of Sports, Arts and Culture which took place during February 2020, the Committee received a further submission from the Minister of Sports, Arts and Culture for consideration.	**Council resolved that the Committee await the return of the Minister of Communications and Digital Technologies to work, and address all relevant issues.**

	1.4 Council was also informed that there was no submission from the Minister of Communications and Digital Technologies, bearing in mind the suspension of the Minister, and also raised a concern with regard to the number of days provided for in terms of the notification period. Council resolved that the Committee await the return of the Minister of Communications and Digital Technologies to work, and address all relevant issues with her.	
2.	**Recommendation by Complaints and Compliance Committee to Council in the matter between Compliance and Consumer Affairs Division of ICASA and Rhythm FM (Pty) Ltd and Beat FM** The purpose of the submission was to table the recommendation of the CCC in the matter of CCA and Rhythm FM. 2.1 On 2 September 2019, the CCA referred a complaint against Rhythm FM to the CCC for investigation. The charge levelled against Rhythm FM was that the licensee contravened regulation 5 (1) and 5(2) of Schedule 1 of the Regulations on Standard Terms and Conditions for Individual licences, as amended in 2016 by its failure to commence operations within 12 months from the date it was issued with a licence. 2.2 The licensee indicated that the delay in commencing broadcasting services was based on the expansion of coverage which had been the only key outstanding factor to fully commence its broadcasting services. 2.3 The licensee Conceded to the	**Council resolved that the licensee be granted a period of eight (8) Months to resume its operations, which will exclude the Covid-19 lockdown period, also subject to confirmation of funding, as well as a project plan that will include the implementation plan within 30 days from the date of the order.**

	contravention asked for indulgence from the CCC and assured the CCC that it will remedy the contravention. **The CCC recommended an order that:** 2.4 The licensee must commence broadcasting at the latest 180 days (including Saturdays, Sundays and public holidays, but excluding COVID -19 Phase 4 Lockdown period) from the day after the issue of the Council order. 2.5 Council may, on written application, grant the licensee more time based on the regulations issued in terms of the Disaster Management Act 57 of 2002 or operational reasons, beyond its control, which made or are likely to make it objectively impossible to abide by the 180 days granted to commence broadcasting. Procedures by Sentech may, in fact, lead to more time becoming necessary. 2.6 Further that, the licensee must inform ICASA, at least fourteen days (which includes Saturdays, Sundays and Public holidays) before becoming operational. 2.7 The licensee must file a combined detail plan of action as to how it plans to give effect to the order to be on air within a the180 days as set.	
3.	**Recommendation by CCC to Council in the matter between Compliance and Consumer Affairs Division of ICASA and BEAT FM (Pty) Ltd** The purpose of the submission was to table the recommendation of the CCC in the matter of CCA and Beat FM. 3.1 On 2 September 2019, the CCA referred a complaint against Beat FM to the CCC for investigation.	**Council resolved that the licensee be granted a period of eight (8) Months to resume its operations, which will exclude the Covid-19 lockdown period, also subject to confirmation of funding, as well as a project plan that will include the implementation plan within 30 days from the date of the order.**

	3.2 The charge levelled against Beat FM was that the licensee contravened regulation 5(1) and 5(2) of Schedule 1 of the Regulations on Standard Terms and Conditions for Individual licences as amended in 2016 by its failure to commence operations within 12 months from the date it was issued a licence. 3.3 The CCA based the complaint on the fact that despite four years and an extension to commence operations granted by the Authority, to date Beat FM had not commence broadcasting operations. 3.4 The licensee conceded to the contravention and indicated that it was focused on its application for Radio Frequency Spectrum, however, it is ready to commence with operations within 8 months. 3.5 Council raised a concern on the amount of time that has already lapsed and also the financial reliance on Power FM which is going financial problems. The licensee had indicated that it relied on the Industrial Development Corporation and National Empowerment Fund which currently is not confirmed. 3.6 Council also questioned the CCC rational on recommending 180 days' *vis -i -vis* the 8 months that the licensee requested to commence operations and the inclusion of the Covid-19 lockdown levels.	

ISSUED BY: Secretariat Office
on behalf of Council