



## Independent Communications Authority of South Africa

### MINUTES OF AN ORDINARY COUNCIL MEETING

Date	01 June 2021	
Time:	08:00	
Venue:	Microsoft Teams	
Present		Chairperson
		Member
		Member
		Member
		Member
		Member
		Member
By Invitation		CEO
		CFO
		CAE
		Corporate Secretary
		Secretariat Officer
		Secretariat Officer
Partial Attendees		Executive PRA
		Executive Licensing
		SM: Spectrum Licensing
		Manager: Broadcasting Frequency Coordination
		External Senior Counsel
		External legal team
		Manager: Content Services
		SM: Talent and Performance Management
		SM: Sector Forecasting: PRA
		Manager Cost Modelling: PRA
Apologies		Member



No.	Action Item	Person Responsible
1.	<p><b>Opening and apologies</b></p> <p>The Chairperson opened the meeting at 08:00 and welcomed all present.</p> <p>Cllr [REDACTED] was on leave.</p> <p><b>The opening and apologies were noted.</b></p>	Chairperson
2.	<p><b>Declaration of interest</b></p> <p>No conflict of interest was noted.</p>	Council
3.	<p><b>Ratification of the Agenda</b></p> <p>The agenda was adopted as presented.</p>	All
4.	<p><b>Minutes of Council: 18 May 2021</b></p> <p>4.1. The MTN settlement was “projected” and not circulated.</p> <p>4.2. In correcting the manner in which financial figures are captured going forward, the team will adopt the full numbers, and will use commas in between, and full stops before the two decimals in order to be consistent.</p> <p><b>The minutes were adopted by Council.</b></p>	Council
5.	<p><b>Matters Arising</b></p> <p>Council resolved that an item on the quality of service be included under the Matters Arising.</p> <p><b>The update on Matters Arising was noted by Council.</b></p>	CEO
6.	<p><b>Licensing of IMT (“Standing Item”)</b></p> <p>The Manager: Broadcasting Frequency Coordination presented the item.</p>	Cllr Zimri



No.	Action Item	Person Responsible
	<p>The purpose of the submission was to recommend that Council consider, and approve the draft responses by the IMT Committee with regard to the settlement proposal from MTN and Telkom.</p> <p>6.1. The Council of the Authority resolved to appeal the decision of the Pretoria High Court of 8 March 2021, whereby Telkom interdicted ICASA from assessing applications for the licensing of spectrum. Parallel to that, Council initiated settlement discussions with the active litigants in the matter.</p> <p>6.2. On 27 April 2021, the Authority obtained an advisory memorandum from its Senior Counsel (SC) on the matter between Telkom and ICASA. The advisory memorandum outlined pertinent considerations of the proposed settlement terms and conditions, raised by MTN and Telkom respectively, and, further, noted that Telkom has confirmed that it is also amendable to settlement discussions.</p> <p><u>MTN Settlement Proposals</u></p> <p>6.3. MTN proposed that, for the purposes of calculating the maximum bids to reach a minimum spectrum portfolio (MSP), the correct position is to include all spectrum holdings detailed in the table included by ICASA in answer to question 25 in the general response document published by ICASA on 11 November 2020 in response to queries raised by persons who had submitted clarification questions by 22 October 2020.</p> <p>6.4. MTN also proposed that, taking into account these existing holdings, qualifying bidders should select the MSP with lowest spectrum "top-up" requirement (even if that means the two winners achieving the same MSP during opt-in).</p> <p>6.5. MTN further proposed that the classification of operators as Tier 1 or Tier 2 operators (and methodology used for determining Tier 1 and Tier 2 operators) will apply to the "opt-in"</p>	

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	<p>scheme and the auction only, and will not be applied by ICASA in any other context.</p> <p>6.6. MTN proposed that the roll-out obligations prescribed in the ITA may be achieved by licensees through the use of <i>all</i> of the radio frequency spectrum held by the licensees, and not just of the radio frequency spectrum allocated to the licensees pursuant to the ITA process.</p> <p>6.7. The Committee's submission was that all the International Mobile Telecommunications (IMT) Spectrum assigned to the operators will be considered for calculating the MSP in order to determine the bidders who will be allowed to participate in the option round, to competitively acquire the additional spectrum to reach an adequate level of credibility. The 3600-3800 spectrum band is currently not identified as an IMT band in South Africa and will not be used for the calculations of the MSP.</p> <p>6.8. The Committee was of the view that the proposal by MTN aligns with the intention of the ITA with regards to the opt-in round.</p> <p>6.9. The Committee indicated that the classification of Tiers will only apply to this licensing process as outlined in the ITA. The definitions of Tier 1 and Tier 2 will be used consistent with the ITA, and not in any other process or context after the conclusion of this licensing process.</p> <p>6.10. The Committee indicated that the roll-out obligations will be imposed consistently with the provisions of the ITA. Furthermore, the roll-out obligations may be met with any other IMT Spectrum assigned to the licensees.</p> <p><u>Telkom's Settlement Proposals</u></p> <p>6.11. Telkom provides a view that all settlement discussions and negotiations herein should be done collaboratively, with the joint involvement of all interested parties. However, the IMT Committee was advised that the Authority will embark on a process of engaging individual parties separately.</p>	

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	<p>6.12. Telkom submits that it is willing to seriously consider and engage with the settlement proposal from the ICASA which should address the following:</p> <p>6.12.1 How the licensing of spectrum will address the lack of effective competition in the mobile market. In other words, how will the ITAs address the current duopolistic and ineffective competitive structure of the mobile market and promote competition;</p> <p>6.12.2 The manner in which the Authority proposes to deal with the role and relevance of the WOAN in dealing with the skewed structure of the market;</p> <p>6.12.3 How the ITAs will address the competition implications, and the reality of the non-availability to Telkom of sub 1Ghz radio frequency spectrum on a national basis; and</p> <p>6.12.4 How, when the Authority considers the licensing of 3.5GHz radio frequency spectrum, the ITAs will address the technical requirements set out by the 3GPP standards and the 5G use cases identified by the ITU.</p> <p>6.13. The Committee submitted that the ITA is addressing the competition issues, and considered the spectrum holdings of all the operators. The ITA enables any other operator who does not have the minimum spectrum portfolio, and is deemed not to be a national credible player. All participants will have an opportunity to compete in the opt-in round to acquire the additional spectrum.</p> <p>6.14. The opt-in round excludes Vodacom and MTN, which are defined in this process as Tier 1 operators. This means that Telkom, which is defined as Tier 2, may acquire sub-1-GHz spectrum for it to be a credible player before the commencement of the subsequent rounds.</p>	

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	<p>6.15. Furthermore, the Committee submitted that the spectrum caps are imposed to ensure that no operator acquires IMT spectrum that unacceptably exceeds that of others. The spectrum set aside for the WOAN is consistent with the minimum spectrum portfolios. The Authority may further consider waiving the spectrum fees for the IMT700 and IMT800, where the spectrum is not usable, up until the digital migration process is concluded.</p> <p>6.16. The Authority arranged the spectrum lots in IMT3500 (3400-3600 MHz) considering the limited amount of spectrum in the band. It is the bidder's prerogative to bid for any number of lots in the IMT3500, in order to cater for its technology deployment requirements, considering the spectrum caps imposed. The Committee indicated that Telkom was advised that the Authority will license the IMT3500 band on a technology neutral basis, and in accordance with technical conditions in the Radio Regulations and related Radio Frequency Spectrum Assignment Plans.</p> <p>6.17. The Committee recommended that, considering the proposals from MTN and Telkom, the Authority should consider setting up a technical meeting with some of the ITA litigants pursuant to their responses to ICASA settlement proposals.</p> <p><u>Comments and Inputs</u></p> <p>Council resolved that the Authority should first write to the litigants separately, and thereafter plan a joint session with all the litigants to discuss the final settlement draft order.</p> <p>6.18. Council enquired as to what other technical issues could be raised at the technical meeting with regards to the settlement negotiations.</p> <p>6.19. The Committee indicated that Telkom joined the settlement negotiations after MTN had already began the discussions with the Authority, which is the reason why the MTN discussions appear to be close to settlement.</p>	

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	<p>6.20. The SC advised that there might be a need for a technical meeting between the Authority and Telkom, in order to demonstrate that the intentions of the Authority are not to prejudice or harm Telkom, but to benefit the entity.</p> <p>6.21. With regards to the status of the appeal on the same litigation, SC indicated that the legal team has written to the Deputy Judge President (DJP), because the Judge that is supposed to adjudicate the appeal is not responding the legal team in terms of giving the litigants a date as to when the appeal will be heard.</p> <p><b>The submission was adopted by Council.</b></p>	
7.	<p><b>Application for the amendment of SABC's existing Radio Frequency Spectrum licences</b></p> <p>Senior Manager: Licensing presented the item.</p> <p>The purpose of the submission was to recommend that Council approve the South African Broadcasting Corporation's (SABC's) application for the amendment of some of its Radio Frequency Spectrum (RFS) Licences.</p> <p>7.1. 14 August 2020, the Authority received an application from the SABC for the amendment the RFS Licences of SAFM; RSG; Metro FM; Ukhozi FM; Lesedi FM; Phalaphala FM; Thobela FM; Munghana Lonene FM; Umhlobo Wenene and Ligwalagwala FM.</p> <p>7.2. The amendment application of these RFS Licences emanates from the consultation process that aimed at updating the table of the VHF/FM records contained in the Terrestrial Broadcasting Frequency Plan, 2013.</p> <p>7.3. On 29 December 2017, Authority had published an update to the Terrestrial Broadcasting Frequency Plan, 2013 and requested inputs from the public.</p> <p>7.4. Sentech (Pty) Ltd (the Signal Distributor) submitted its representation, wherein it provided several transmitter sites of the SABC that the Authority did not have records of.</p>	CEO/ Licensing





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	<p>7.5. The Authority had engagements with the Signal Distributor and the SABC to collate the records of the sites they deemed licensed. However, neither the SABC nor Sentech could provide the Authority with copies of the RFS licences incorporating these frequencies as per Sentech and the SABC's records.</p> <p>7.6. It was resolved that the Authority should regularise the sites, and that the SABC should apply for amendment of the RFS licences.</p> <p>7.7. The Authority engaged the SABC to submit an amendment application to ratify or amend its RFS licences. Sentech has confirmed active frequencies that the SABC is currently broadcasting on, and the FM database has been updated accordingly.</p> <p>7.8. The Licensing Division conducted coverage and radio frequency interference analysis on the proposed assignments. The proposed assignment will not cause harmful interference to other Licensees, nor be interfered with by other Licensees.</p> <p>7.9. It was recommended that Council approve the application for ratification or amendment of the SABC's existing frequencies based on the following reasons:</p> <p>7.9.1 The request is in the interest of orderly radio frequency spectrum management;</p> <p>7.9.2 To align the Authority's Database with the Applicant's and the Signal Distributor's databases; and</p> <p>7.9.3 The frequencies are active and are not causing harmful interference to existing Licensees.</p> <p><u>Comments and Inputs</u></p> <p>7.10. Council enquired if the Authority had issued the licences to the SABC and if the licences were misplaced, or whether the SABC took it upon itself to use the frequencies without authorisation.</p> <p>7.11. Council further enquired, should the SABC non-compliance be referred to the CCC, as to what would the CCC be expected to</p>	





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	<p>adjudicate upon, bearing in mind that the Authority has already regularised the use of the frequencies to the SABC.</p> <p>7.12. Management indicated that the Licenses that have been issued to the SABC do not include the frequencies in question, thus the SABC has been using the frequencies without approval.</p> <p>7.13. Management indicated further that, in terms of the regulations and legislation, it is illegal for anyone to be using frequencies without a licence, including a public broadcasting service provider. The fact that the Authority is now aware that the SABC has been using the frequencies without a licence, and this is now being regularised, does not change that for a long period until the regularisation, the SABC committed an offence by using the frequencies without being licensed. The referral to the CCC is about the prior period to being licensed, during which they used the frequency before being licensed.</p> <p><b>The submission was approved by Council.</b></p>	
8.	<p><b>Request to approve the Reasons Document for the transfer of an Individual Electronic Communications Service and an Individual Electronic Communications Network Service licence from Pro Dynamic Data Consulting CC to Mubvumela Corporation (Pty) Ltd t/a MBV IT</b></p> <p>The Executive: Licensing presented the submission.</p> <p>The purpose of the submission was to recommend that Council approve the vetted Reasons Document for the decision to approve the transfer of one I-ECS licence and one I-ECNS licence from Pro Dynamic Data Consulting Close Corporations (the Applicant) to Mubvumela Corporation (Pty) Ltd t/a MBV IT (the Transferee).</p> <p>8.1. On 02 July 2019, the Authority received applications for the transfer of I-ECS and I-ECNS licences from the Applicant to the Transferee.</p> <p>8.2. On 23 September 2020, the Authority approved the Applicant's transfer applications from the Applicant to the Transferee.</p> <p>8.3. The Licensing Division could not submit the Reasons Document for Executive Committee / Operations Committee</p>	CEO/ Licensing



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	<p>(EXCO/OPCO) consideration together with the Applicant's transfer applications analysis, as it was still in the process of finalising the Reasons Document for vetting by Legal, Risk and CCC (LRCCC) Division.</p> <p>8.4. The vetted Reasons Document and confirmation of vetting was received from LRCCC on 15 October 2020, subject to Licensing Division reviewing LRCCC Division's comments on the draft Reasons Document.</p> <p>8.5. On 24 May 2021, EXCO/OPCO approved the Reasons Document, for tabling at Council.</p> <p>8.6. It was recommended that Council approve the Reasons Document for publication in Government Gazette.</p> <p><u>Comments</u></p> <p>8.7. Council enquired about the time delay between the receiving of the vetted Reasons Document and the submission to Council for the approval for publication.</p> <p>8.8. Management indicated that there was a tracking issue that resulted in the delay to request Council for approval.</p> <p><b>The submission was approved by Council.</b></p>	
9.	<p><b>Country profile developed for the status of Digital Agriculture Readiness in Africa report validation</b></p> <p>The SM: Sector Forecasting: PRA presented the item.</p> <p>The purpose of the submission was to provide feedback for the validation of a report to be published by ITU on the status of Digital Agriculture Readiness in Africa, and for Council to approve the validation document.</p>	CEO/ PRA

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	<p>9.1. The Authority collaborated with Statistics South Africa (StatsSA) in validating the data from the ITU regarding the study for Digital Agriculture Readiness. Unfortunately, the Authority did not get any inputs from the Department of Agriculture as they are not the custodian of the data in the report.</p> <p>9.2. The total population reported by StatsSA in 2019 is above the one used on the report. The urban and rural population percentage on the report was confirmed to be correct by StatsSA.</p> <p>9.3. There is a difference between the LTE / 4G coverage provided on the report by ITU and the one used in the State of the ICT sector report for 2019, which might be due to the issue of the data collection time period.</p> <p>9.4. The average mobile data price per 1 GB (USD), mobile cellular price of a local call per minute (peak; off-net) (USD), mobile cellular price of SMS (on-net) (USD) and Mobile-Broadband price (pre-paid) (USD) values on the report by ITU are different from those reported by ICASA. This can be due to the rand-dollar conversion for that period. However, the difference is not that huge.</p> <p>9.5. Literacy rate, adult total (% of people ages 15 and above) in 2017 is at 87%. However, StatsSA provided us with 95% for the same period. The young people of 15 and above is at 95% (by ITU), which was confirmed the same figure by StatsSA for the same period.</p> <p>9.6. The Population that had access to the Internet in 2019 is at 56% (by ITU), while StatsSA says 63% for the same period.</p> <p><u>Comments and Input</u></p> <p>9.7. Council expressed that there are data discrepancies throughout the report, and further that the coverage for Rain, Liquid needs to be included in the stats.</p>	



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	<p>9.8. Management welcomed the corrections and inputs by Council, and further informed Council that the corrections and the factual inaccuracies will be relayed to the ITU as the document belongs to the ITU.</p> <p><b>The submission was approved by Council subject to the amendments by Council.</b></p>	
10.	<p><b>Analysis of South African Post Office (SAPO) draft Operating Procedure Manual for the financial year ending 31 March 2021</b></p> <p>The Executive: Policy Research and Analysis presented the item.</p> <p>The purpose of the submission was to make a recommendation to Council to approve the evaluation of SAPO's draft Operator's Procedure Manual (OPM) for the Financial Year ending 31 March 2021.</p> <p>10.1. The Authority, in terms of Section 8 and Section 30 of the Postal Services Act No 124 of 1998 (the Act), approved the Accounting Separation Regulations for Reserved Postal Services (the Accounting Separation Regulations) for publication and implementation on 10 March 2011.</p> <p>10.2. The OPM is a manual that details the methodologies and processes implemented by SAPO, and the extent to which SAPO adopts either South African Generally Accepted Accounting Principles (SA GAAP), International Accounting Standards (IAS) or International Financial Reporting Standards (IFRS), and, where deviations apply, the reasons for such, in its preparation of its Regulated Financial Statements (RFS).</p> <p>10.3. Section 15(2) of the Accounting Separation Regulations requires that submission of the OPM must be made at least six months prior to the deadline for the submission of the RFS. The deadline for submission of the RFS is 30 September and the deadline for the submission of the OPM is 31 March each year. SAPO submitted its draft 2020/21 OPM on 11 March 2021.</p>	CEO / PRA



No.	Action Item	Person Responsible
	<p>10.4. SAPO submitted its draft OPM to the Authority, providing clarity and details about its business and the functions of each operating division:</p> <p>10.4.1 The transfer of South African Postbank from a business unit to a subsidiary; and</p> <p>10.4.2 The mail business unit and the retail business unit have been consolidated at Regional Level.</p> <p>10.5. SAPO has explained to the Authority that Postbank is a ring-fenced entity and does not form part of its regulated activities.</p> <p>10.6. As per Government Gazette of 22 March 2019 (No 42323), the transfer date of Postbank from a business unit to a subsidiary of the South African Postbank Company SOC was 1 April 2019, and therefore does not form part of the reporting for the current Financial Year.</p> <p>10.7. This change would therefore have no bearing on the OPM analysis, but does impact the manner in which the RFS are presented. SAPO has started considering the move of Postbank from a division to a separate subsidiary: report 1.1 and 1.2 of the RFS will no longer differ from the Audited Financial Statements audited by the AGSA.</p> <p><u>Key Findings of SAPO 2020/21 OPM Evaluation</u></p> <p>10.8. The SAPO was compliant with the submission deadline.</p> <p>10.9. The OPM details the source from which information is gathered, in order to collate the different reports of the RFS.</p> <p>10.10. SAPO explains, under each report, the source of the information, how it is collated, inclusions and exclusions of specific information used in its reports.</p> <p>10.11. SAPO provided detailed information about the methods, values and source of the variables used in the calculation of its Weighted Average Cost of Capital (WACC).</p>	



No.	Action Item	Person Responsible
	<p><u>Comments</u></p> <p>10.12. Council enquired as to how SAPO was found to be complaint in the key findings when the Audited Financial Statements have not been provided to the Authority.</p> <p>10.13. Management indicated that the OPM compels SAPO to commit itself to notifying the Authority when it makes deviations in its reported financial statements.</p> <p><b>The submission was approved by Council.</b></p>	
11.	<p><b>Recommendation by CCC to Council in the matter between iPROP (PTY) Ltd and Telkom SA SOC Ltd</b></p> <p>The Chairperson of the CCC presented the Item.</p> <p>The purpose of the submission was to table the recommendation of the CCC to Council, in the matter between iProp and Telkom.</p> <p>11.1. On 26 April 2019, iProp referred a dispute against Telkom alleging that the dispute falls within the ambit of section 25(4) of the Electronic Communications Act 36 of 2005 (ECA).</p> <p>11.2. iProp alleged that the ECN facility constructed by Telkom entered iProp's private property without the requisite consent to do so, thereby restricting the development of the property.</p> <p>11.3. Furthermore, iProp argued that Telkom should have considered the relocation costs in terms of section 25(7) of the ECA.</p> <p>11.4. The CCC interpreted the word "may" in section 25(7) of the ECA, and held that it accorded a discretion on Telkom to determine whether to pay or not pay the relocation costs.</p> <p>11.5. Telkom informed iProp that in terms of s25 of the ECA, iProp would be liable to pay its own relocation costs.</p> <p>11.6. On 22 October 2019, the Council of ICASA approved the recommendation of the CCC in accordance with section 17E</p>	Cllr [REDACTED]



No.	Action Item	Person Responsible
	<p>of the ICASA Act, and the judgment was published to the parties on 7 November 2019.</p> <p>11.7. On 11 August 2020, iProp referred a second complaint against Telkom based in the similar facts as contained in the initial complaint.</p> <p>11.8. The issue in the second complaint was whether Telkom should be liable, in full or part, for the relocation of the ECN facility. This is the same issue that was placed before the CCC under the first complaint.</p> <p>11.9. iProp argued that paragraph 12 of the judgment denoted that the proceedings under the first complaint were not finalised, and that the case before the CCC constituted “a continuation of proceedings”.</p> <p>11.10. iProp alleged that Telkom failed to exercise its discretion properly regarding the relocation costs for the ECN facility in terms of s25(7) of the ECA. iProp claimed that the amount Telkom quoted as relocation costs for the ECN facility was unreasonable.</p> <p>11.11. Telkom raised two points <i>in limine</i>, namely <i>res judicata</i> and <i>locus standi</i>. Telkom argued that the CCC made a final decision regarding the same issues and relief sought in the first complaint and that iProp could not re-litigate the same matter before the CCC. Telkom contended that iProp should rather take the decision on review.</p> <p><u>Recommendation to Council</u></p> <p>11.12. The CCC held that Telkom’s plea of <i>res judicata</i> is upheld.</p> <p>11.13. The CCC further held that, once a finding is tabled to the Council of ICASA, Council is entitled to accept or reject such a finding. The CCC becomes <i>functus officio</i> and is precluded from adjudicating the matter. The decision becomes that of ICASA. Should any party be aggrieved by the Authority’s decision, it should be taken on review.</p>	





No.	Action Item	Person Responsible
	<b>The submission was approved by Council.</b>	
12.	<p><b>Notice of public hearing on the Draft Must Carry Amendment Regulations for Council approval and publication</b></p> <p>The Manager: Content Services presented the item.</p> <p>The purpose of the submission was to request the Council to approve the Notice to hold public hearings on the Draft Must Carry Amendment Regulations 2021 for publication in the Government Gazette.</p> <p>12.1 The Must Carry Committee is in a process to review the Regulations on Must Carry obligations published in Government Gazette No 31500 of 10 October 2008. The Authority is reviewing the Regulations in line with section 60(3) of the Electronic Communications Act of 2005, which states that:</p> <p><i>“the Authority must prescribe regulations regarding the extent to which subscription broadcast services must carry, subject to commercially negotiable terms, the television programmes provided by a public broadcast service licensee”.</i></p> <p>12.2 The Committee published the Discussion Document on 13 December 2019, in the Government Gazette 42902, and received two (2) written submissions on the Discussion Document from SABC and MultiChoice.</p> <p>12.3 The Authority received further written submissions from stakeholders, namely e.tv, MMA/SOS, SABC and MultiChoice. All written submissions indicated that they were interested in making oral presentations at the public hearings.</p> <p><b>The submission was approved by Council.</b></p>	Cllr <span style="background-color: black; color: black;">[REDACTED]</span>
13.	<b>Request to approve the initiation of the recruitment process to fill the position of Chairperson for Consumer Advisory Panel</b>	<b>CEO/ Human Resources</b>



No.	Action Item	Person Responsible
	<p>The SM: Talent and Performance Management presented the Item.</p> <p>The purpose of the submission was for Council to approve the initiation of the recruitment process to fill in the position of Chairperson for the Consumer Advisory Panel (CAP), which will be coming to end on 30 June 2021.</p> <p>The current incumbent was appointed in July 2019 after the previous Chairperson resigned due to personal reasons. In line with section 10.1 of the Regulations on the establishment of CAP, the term of office for the Chairperson is three (3) years.</p> <p><u>Comments</u></p> <p>13.1. Council was cautioned that the submission and the initiation of the recruitment process was late, as the term of office is coming to an end on 30 June 2021. Council requested that recruitment processes should be done more expeditiously.</p> <p>13.2. Council enquired if the current incumbent was eligible to reapply for the position.</p> <p>13.3. Management informed Council that the current Chairperson has only served one term, and that the incumbent is eligible to run for another term as the Chairperson.</p> <p><b>The submission was approved by Council.</b></p>	
14.	<p><b>Establishment of a special Committee on the review of the Complaints and Compliance Committee Procedures Regulations</b></p> <p>Council resolved to defer the submission to the next meeting and further that the submission should come with a list of all other Committees that have not been allocated Councillors.</p> <p><b>The submission was deferred.</b></p>	CEO/ LRCCC
15.	<p><b>General-</b></p> <p><b>The licensing to five (5) Applicants of the 3600-3800 band.</b></p>	



No.	Action Item	Person Responsible
	<p>15.1. There was a report that appeared in one of the press outlets, dealing with five (5) licences that the Authority has awarded in the 3600-3800 band to a range of applicants.</p> <p>15.2. The report did not address the fact that Council in February 2021 put a moratorium on the issuing of new licences on a number of bands, specifically including the 3600-3800 band.</p> <p><u>Discussion</u></p> <p>15.3. Council enquired when the licenses were issued to the licensees, and, further, if the Authority had overlooked the moratorium, or if the applications were received prior to the moratorium, as the moratorium specifically states that “<i>no new applications will be entertained</i>”.</p> <p>15.4. At the time that the moratorium was put into place Council was informed that there were existing applications, and that the applications that came before the moratorium would be processed.</p> <p>15.5. Management indicated that, when the submission to request a moratorium was presented before Council, it was accompanied by a list of applications that had already been received by the Authority. Council resolved that a moratorium can be imposed, and, further, that it will only apply to new applications, and that it would not apply to applications that were already received.</p> <p>15.6. Management indicated that the licences were granted to the pending applications that had already been received at the time of the placing of the moratorium.</p> <p>Council resolved that management should draft a memorandum for noting to Council, incorporating the views of Council and the specifics around the licence conditions.</p>	

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No.	Action Item	Person Responsible
16.	<b>Closure</b> The Chairperson thanked all who were present at the meeting and closed it at 10:46 am.	<b>Council</b>
17.	<b>Date of next meeting: TBA</b>	<b>Secretariat</b>

A handwritten signature in black ink, which appears to be 'H. M. J.', is written over a thick black horizontal line.

Chairperson

30 / 07 / 2021