



Independent Communications Authority of South Africa

COUNCIL DECISIONS - 26 MAY 2022

ITEM NO.	AGENDA ITEM	COUNCIL DECISION
1.	<p>Vetted Reasons Document – Cape Town Radio (Pty) Ltd t/a Smile 90.4 FM Application for Amendment of Commercial Sound Broadcasting Services and RF Spectrum Licences</p> <p>The purpose of the item was to recommend that Council approves the vetted Reasons Document, for the decision on the application for the amendment of the Individual Commercial Sound Broadcasting Service ("I-CSBS") and Radio Frequency Spectrum (RFS) licences by Cape Town Radio (Pty) Ltd T/A Smile 90.4 FM, for publication on the Authority's website.</p> <p><u>Resolution</u></p> <p>The recommendation was approved.</p>	The recommendation was approved.
2.	<p>Change and Update of Licensee Information – Connection Telecom (Pty) Ltd</p> <p>The purpose of the item was to advise Council of a notice from Connection Telecom (Pty) Ltd ("the Licensee"), requesting the Authority to effect changes to its licence information, and to recommend that Council approves the submission, and for the Chairperson to sign off the updated licences.</p> <p><u>Resolution</u></p> <p>The recommendation was approved.</p>	The recommendation was approved.
3.	<p>Change and Update of ICASA Licensee Information – Maberekise Telecoms CC</p> <p>The purpose of the item was to advise Council of the notice by Maberekise Telecom CC, requesting the Authority to effect changes to its licence information, and to recommend that Council also approves the submission, and for the Chairperson to sign off the updated licences.</p> <p><u>Resolution</u></p> <p>The recommendation was approved.</p>	The recommendation was approved.



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4.	<p>Recommendation by CCC to Council in the matter between Licensing and Compliance Division of ICASA and the SABC</p> <p>4.1. The CCC recommended that Council issues the following order in terms of section 17E (2) of the ICASA Act:</p> <p>4.1.1 The Licensee is directed to desist from any further contravention of the above-mentioned Regulations; and</p> <p>4.1.2 The licensee is directed to take the following remedial action:</p> <p>4.1.2.1 within ninety (90) calendar days from the date of issue of this order, SABC is to submit to Council of ICASA a report setting out, among others, a brief technology readiness report, articulating the technology operations plans, system_preventative maintenance and how they were implemented before the election period;</p> <p>4.1.2.2 That the two (2) radio stations upgrade their hardware and operation well before the commencement of the election period to ensure that it is fool proof.</p> <p>4.1.2.3 The CCC recommends that each station, that is, Phalaphala FM and Metro FM, broadcasts a public apology during the first week after this order is issued.</p> <p>4.1.2.4 In respect of Phalaphala FM, the apology is to be broadcast once per day for five (5) consecutive days as its first item on its news service between 07:00 and 20:10, in Venda and then in English, in the same news bulletin. On the first two (2) days the broadcast must take place in the first newscast after 07:00. The times of the broadcast must be notified by email to the CCA of ICASA at the latest forty-eight (48) hours before the broadcast. The broadcast may not be accompanied by any background music or sounds, and the item must be read formally by the Station</p>	<p>The recommendation was approved.</p>



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	<p>Manager or his or her representative, who must declare on air that he or she is the Station Manager or acting on behalf of the Station Manager.</p> <p>4.1.2.5 In respect of Metro FM the apology is to be broadcast in English once per day for five (5) consecutive days as its first item on its news service between 07:00 and 20:10. On the first two (2) days the broadcast must take place in the first newscast after 07:00. The times of the broadcast must be notified by email to the CCA of ICASA at the latest forty-eight (48) hours before the broadcast. The broadcast may not be accompanied by any background music or sounds, and the item must be read formally by the Station Manager or his or her representative, who must declare that he or she is the Station Manager or acting on behalf of the Station Manager.</p> <p>The apology must be phrased thus: <i>"Independent Communications Authority of South Africa has found that this station was negligent in not having abided by the Municipal Elections Regulations 2021. This station broadcast Political Advertisements without adding a statement which clearly identifies Political Advertisements as such.</i></p> <p><i>This is in conflict with the ICASA Election Regulations which require such statements to be made before and after the advertisement. This station further extends its apology to ICASA and to its listeners for having committed these contraventions"</i></p> <p>An electronic copy of each broadcast, stating the date and the time of the broadcast, must be sent to the CCA at ICASA by email within forty-eight (48) hours from the last broadcast in the said five (5) days.</p> <p>4.1.2.6 A fine of fifty thousand rands (R50 000) of which thirty thousand rands (R30 000) is suspended until after the next Municipal Elections, must be paid to ICASA within ninety (90) calendar days from when this judgment is issued. The CEO of ICASA or his</p>	



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	<p style="text-align: center;">nominee must be copied with proof of payment within twenty-four (24) hours from when the payment was made.</p> <p><u>Resolution</u></p> <p>The recommendation was approved.</p>	
5.	<p>Recommendation by CCC To Council in the matter between Licensing and Compliance of ICASA and Soshanguve Community Radio</p> <p>5.1. The CCC recommended the following order to the Authority:</p> <p>5.1.1 direct the Licensee to desist from further contraventions.</p> <p>5.1.2 direct the Licensee to take the following remedial step: namely, broadcast a public apology during the first week after this order is issued. The apology is to be broadcast in Setswana and in English once per day for five consecutive days as its first item on its news service between 7h00 and 20h10. On the first two days, the broadcast must take place in the first newscast after 7h00. The times of the broadcast must be notified by email to the CCA of the ICASA at the latest 48 hours before the broadcast. The broadcast may not be accompanied by any background music or sounds, and the item must be read formally by the Station Manager or his/representative, who must declare that he/she is the Station Manager or is acting on behalf of the Station Manager.</p> <p>The apology must be phrased thus:</p> <p><i>"The Independent Communications Authority of South Africa has found that Soshanguve FM was negligent in not having abided by the Municipal Elections 2021. Soshanguve FM flighted Political Advertisements less than 48 hours prior to the commencement of the polling period. This is in conflict with the ICASA Election Regulations which require that no Political Advertisements shall be flighted later than 48 hours before the polling period commences.</i></p>	<p>The recommendation was approved.</p>



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	<p style="text-align: center;"><i>Soshanguve FM further extends its apology to ICASA and its listeners for having contravened the Regulations."</i></p> <p>5.1.4 An electronic copy of each broadcast stating the date and the time of the broadcast must be notified by email to the CCA of ICASA within 48 hours from the last broadcast in the said five days.</p> <p>5.1.5 direct the Licensee to pay a fine of R20 000, R10 000 of which is suspended until the next Municipal Elections. An amount of R10 000 must be paid to ICASA within 90 calendar days from when this judgment is issued. The CEO of ICASA or his nominee must be copied with proof of payment within 24 hours from when payment was made.</p> <p><u>Resolution</u></p> <p>The recommendation was approved.</p>	
6.	<p>Recommendation by CCC to Council in the matter between Licensing and Compliance OF ICASA and you FM</p> <p>6.1. The CCC recommends the following order to the Authority:</p> <p>6.1.1 direct the Licensee to desist from further contraventions;</p> <p>6.1.2 direct the Licensee to pay a fine of R25 000 of which R15 000 is suspended until the next Municipal Elections;</p> <p>6.1.3 The amount of R10 000 is to be paid to ICASA within 90 calendar days from the date of issue of this order;</p> <p>6.1..4 direct the Licensee to take the following remedial steps:</p> <p>You FM must broadcast a public apology during the first week after this order is issued. The apology is to be broadcast in Setswana and in English once per day for five consecutive days as its first item on its news service between 7:00 and 20:10. On the first</p>	<p>The recommendation was approved.</p>



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	<p>two days the broadcast must take place in the first newscast after 7:00. The times of the broadcast must be notified by email to the CCA of ICASA at the latest 48 hours before the broadcast. The broadcast may not be accompanied by any background music or sound, and the item must be read formally by the Station Manager or his/her representative who must declare that he is the Station Manager or is acting on behalf of the Station Manager.</p> <p>The apology must be phrased thus:</p> <p><i>"The Independent Communications Authority of South Africa has found that YOU FM has been grossly negligent in its failure to abide by the Municipal Elections 2021 in the following manner:</i></p> <ol style="list-style-type: none"> <i>1. You FM broadcast Political Advertisements later than 48 hours prior to the commencement of the polling period. This happened fifteen times.</i> <i>2. You FM flighted Political Advertisements of a political party, one after the other, over a period of two days.</i> <i>3. You FM flighted Political Advertisements without the top disclaimer, clearly flighted Political Advertisements without the top disclaimer, clearly identifying the PA, on five occasions.</i> <i>4. This is in conflict with the ICASA Election Regulations. You FM extends its apology to ICASA and to its listeners for having contravened the ICASA Act and Regulations"</i> <p>An electronic copy of each broadcast, stating the date and the time of each broadcast, must be notified by email to the CCA of ICASA within 48 hours from the last broadcast in the first five days.</p> <p><u>Resolution</u></p> <p>The recommendation was approved.</p>	



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7.	<p>Recommendation by CCC to Council in the matter between the Licensing and Compliance Divisions of the ICASA and Radio Overberg</p> <p>7.1. The CCC recommends that the following orders be issued by Council of ICASA:</p> <p>7.1.1 direct the licensee to desist from any further contravention;</p> <p>7.1.2 direct the licensee to take the following remedial steps:</p> <p>7.1.3 Radio Overberg must, broadcast a public apology during the first week after publication and receipt of this order. The apology must be broadcast by the Station Manager or her/his representative in Afrikaans once per day for five consecutive days as its first item on its news service between 7h00 and 20h10. On the first two days the broadcast must take place in the first newscast after 7h00. The times of the broadcast must be notified by email to the CCA of the ICASA at the latest 48 hours before the broadcast.</p> <p>7.1.4 direct the Licensee to pay a fine of ten thousand Rands (R10 000) in respect of the contravention, the amount of which is wholly suspended until the next Municipal Elections.</p> <p><u>Resolution</u></p> <p>The recommendation was approved.</p>	<p>The recommendation was approved.</p>
8.	<p>Recommendation By CCC To Council in the Matter between the Licensing and Compliance Divisions of The ICASA and Campus Bay FM</p> <p>8.1. The CCC recommends that the following orders be issued by Council of ICASA:</p> <p>8.1.1 direct the licensee to desist from any further contravention;</p>	<p>The recommendation was approved.</p>



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	<p>(i) direct the licensee to pay as a fine in the amount of R5000 in respect of each day in which the contravention occurred;</p> <p>(ii) direct the licensee to deploy a dedicated team of four (4) people who would individually check the PAs before they are flighted;</p> <p>8.1.2 direct that the order in (b)(i) above be suspended until after the next Municipal Elections on condition the licensee is not found, during the period of suspension, to have contravened regulation 6(14) of the Municipal Elections Regulations, 2021.</p> <p>8.1.3 direct the licensee to take the following remedial steps:</p> <p>(I) Campus Bay FM must, the first week after this order is issued, broadcast in English and in Afrikaans once a day for five consecutive days as its first item as its news service, a public apology to be read by the Station Manager or her representative, at a time between 7h00 and 21h10 in English and then in Afrikaans in the same News Bulletin. The times of the broadcast must be notified by email to the Broadcasting Manager of the CCA at least 24 hours before the broadcast.</p> <p><u>Resolution</u></p> <p>The recommendation was approved.</p>	


Nicholous Mabilane
Corporate Secretary