



**Independent Communications Authority of South Africa**

350 Witch-Hazel Avenue,  
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Centurion

**COUNCIL DECISIONS– 18 APRIL 2021**

<b>ITEM NO.</b>	<b>AGENDA ITEM</b>	<b>DECISION</b>
1.	<p><b>Application for the renewal of an Individual Commercial Sound Broadcasting Service and Radio Frequency Spectrum Licences by Classic FM South Africa (Pty) Ltd</b></p> <p>The purpose of the submission was to recommend that Council approve an application by Classic FM South Africa (Pty) Ltd (the Applicant) for the renewal of their Individual Commercial Sound Broadcasting Service (I-CSBS) and the Radio Frequency Spectrum (RFS) Licences.</p> <p>1.1. The Applicant holds both I-CSBS and RFS Licences for the provision of Commercial Sound Broadcasting Services in Johannesburg, Gauteng Province.</p> <p>1.2. On 13 June 2018, the Classic FM submitted an application to renew its I-CSBS and RFS Licences.</p> <p>1.3. On 29 January 2019, the Authority published the Applicant’s renewal application in the General Notice No 643 under Government Gazette No 42196, inviting interested persons to make written representations within fourteen (14) working days.</p> <p>1.4. Upon the analysis of the application, the Licence Renewal Committee (the Committee) was of the view that</p>	<p><b>The recommendation was approved by Council.</b></p>

the Applicant contravened Section 65 (2)(c) of the Electronic Communications Act (ECA) that prescribes the limitations on ownership and control of commercial broadcasting services, and referred the matter to the Complaints and Compliance Committee (CCC) for adjudication.

- 1.5. On 23 January 2020, the CCC made recommendations to Council stating that the Applicant did not contravene section 65 (2) (c) of the ECA, and that the CCC was not bound by the previous similar judgment in the matter between KZN Talk Radio and PRIMEDIA (KZN Talk).
- 1.6. Subsequent to receiving the CCC recommendations, Council sought a legal opinion on the application of section 65 (2) (c), and the applicability of the KZN Talk judgement on the Classic FM application.
- 1.7. The legal opinion confirmed that, based on the KZN Talk Judgment, 20% equity shareholding in a broadcasting service licensee amounts to control and that the CCC was bound by the KZN Judgment.
- 1.8. On the basis of the legal opinion, Council resolved that Classic FM should be directed in terms of section 17D (4), read with section 17D(2)(a) and (c) of the ICASA Act, to remedy the breach of section 65(2) (c) of the ECA and desist from any further contravention of the ECA.

	<p>1.9. The Applicant remedied its breach of section 65 (2) (c) and the Committee was satisfied with the analysis of the application and its compliance thereto.</p> <p>1.10. The renewals Committee recommended that Council approve the renewal of both service and spectrum licences.</p> <p><b>The submission was approved by Council.</b></p>	
2.	<p><b>5G Project Annual Report for 2020/21 Financial Year</b></p> <p>The purpose of the submission was to request Council to note that the 5G Project Annual Report for 2020/21 financial year will be shared with the 5G Forum Steering Committee and published on the ICASA website.</p> <p>2.1. During the financial year 2020/21, the Authority conducted a stakeholder survey on the state of 5G Readiness in South Africa. A questionnaire was developed by the Authority's 5G Committee and circulated to the members of the 5G Forum.</p> <p>2.2. On 31 March 2021, the 5G Annual Report was tabled at Council and duly noted. Council resolved that the 5G Committee would decide on the way forward on how to deal with the report at a Committee level.</p> <p>2.3. On 15 April 2021, the 5G Committee resolved that the report would be shared with the 5G Forum Steering Committee for further comments, and, after refinement, the report would be published on the ICASA website.</p> <p><b>The submission was noted by Council.</b></p>	<p><b>The recommendation was noted by Council.</b></p>

<p>3.</p>	<p><b>Revised timelines for submission of written representations with regard to the draft Regulations on Mobile Broadband Services Inquiry</b></p> <p>The purpose of the submission was to request that Council approve the revised timelines for written submissions on the Mobile Broadband Services Inquiry (MBI).</p> <p>3.1. The Authority published the draft Regulations on the Mobile Broadband Services Inquiry on 26 March 2021, in Government Gazette No 44337.</p> <p>3.2. On 14 April 2021, the Authority received a letter from Vodacom requesting an extension of the submission deadline from 12 May 2021 to 09 June 2021.</p> <p>3.3. Vodacom indicated that the extension would afford it sufficient time to submit a comprehensive written submission, given that its key personnel were engaged in the finalisation of the Financial Reports for the year ended 31 March 2021.</p> <p>3.4. The Mobile Broadband Council Committee met on 21 April 2021 and resolved to recommend that Vodacom’s request be approved by Council.</p> <p><b>The submission was approved by Council with the proposed dates.</b></p>	<p><b>The recommendation was approved by Council.</b></p>
<p>4.</p>	<p><b>Request for Council approval of amendment of Final Sports Broadcasting Services Regulations Amendment, 2021 and Reasons Document for the publication in the Government Gazette</b></p> <p>The purpose of the submission was to request that Council approve an amendment of the final Sports</p>	<p><b>The recommendation was approved by Council.</b></p>

<p>Broadcasting Services Regulations Amendment, 2021 for publication in the Government Gazette.</p> <p>4.1. The Authority published the regulations on 31 March 2021. On 1 April 2021, the Authority's internal legal team identified an error in the regulations which needed to be rectified.</p> <p>4.2. The proposed amendment is in clause 10 of the regulations. The error identified in clause 10 is with regard to the referencing, which got misaligned due to formatting of the document.</p> <p>4.3. The amendment does not impact the regulations and has no bearing on the substance of the regulations. The amendment is made to provide clarity on "contraventions" in order to ease the implementation of the clauses relating to contraventions.</p> <p>It was recommended that Council approve the amendment for publication in the Government Gazette.</p> <p><b>The submission was approved.</b></p>	
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**ISSUED BY: Secretariat Office  
on behalf of Council**