

COMPLAINTS AND COMPLIANCE COMMITTEE¹

Date of hearing: 20 March 2008

Case number 17 / 2008

**Monitoring and Complaints Unit of
the Independent Communications
Authority of South Africa**

Complainant

Vs.

Radio Grahamstown

Respondent

Complaints and Compliance Committee Panel

K E Moloto-Stofile (Chairperson)
S. Thakur (CCC Member)
N. Ntanjana (CCC Member)
D. Moalosi (CCC Member)
J.C.W. Van Rooyen (Councillor)

For the Complaints Monitoring Unit

Monitoring Complaints Unit Senior Manager for Licensing: Mr. Bruce Mkhize
Assisted by: Monitoring Complaints Unit Manager: Ms Fikile Hlongwane
and Compliance officer responsible for Radio Grahamstown: Ms Lindisa Mabulu

For the Respondent

The Respondent was invited to attend, but did not attend the hearing.

¹ In terms of s 17C of the ICASA Act 13 of 2000 as amended and abbreviated as “CCC”

JUDGMENT

JCW VAN ROOYEN SC

[1] Radio Grahamstown has, according to the complainant, failed to comply with the station's license conditions. The complaints were that Radio Grahamstown contravened 5.2 of its license conditions which states that:

“The licensee must broadcast continuously during the licensed programming hours and may not stop broadcasting unless due to factors beyond its control or with the written consent of the Authority”.

[2] The facts put before the CCC, which were not denied by the respondent, are:

- (1) That the Licensee has not been broadcasting for over a year without the written consent of the Authority;
- (2) That the Licensee has ceased all its broadcasting activities and obligations set out in its licence conditions;
- (3) That the current Board of Directors has failed to ensure that the radio station is put back on the air.

[3] The co-ordinator of the CCC received no response from the respondent and no representative of the respondent turned up at the hearing. In any case, the fact remains that the station has not been broadcasting for over a year and no reasonable explanation has been forthcoming from the respondent itself or someone who had been involved with the station.

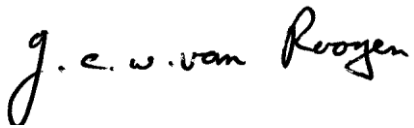
[4] On the facts before the CCC, it is clear that the station had ceased to broadcast without permission from the Authority. Broadcasts had not merely been interrupted for a number of days, but the station had been off the air for over a year without any good

reason having been provided by the respondent. In fact, no response was forthcoming whatsoever.

[5] The only reasonable inference which can be drawn from the facts as a whole is that there has been a fundamental breach of the licence conditions.

[6] The recommendation to the Council of the Authority is that the licence of the station be revoked with immediate effect.

The Chairperson K E Moloto-Stofile, and Committee Members Nomveliso Ntanjana, Daniel Moalosi and Surendra Thakur concurred in the above judgment.



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J.C.W. Van Rooyen (Councillor)

Date: 03-07-2008