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Ref No: 17/3/1

Dear Ms. Adore Morgan, Mr. James Headbush and Mr. Jason Aitken

**LAVERNE ANGELA GADIAH AND SELWYN WILLIS (COMPLAINANTS) V
CAMPUS BAY FM NPC (BAY FM) – CASE NUMBER: 497/2025**

The above matter has reference.

1. On 4 November 2025, the Complainants lodged a complaint with the CCC for investigation in terms of section 17B(a) of the Independent Communications Authority of South Africa ("ICASA") Act No. 13 of 2000.
2. The Complainants alleged that Bay FM contravened the following:
 - 2.1. **Section 10A(7)(a) of the Standard Terms and Conditions Regulations for Class Licences, Schedule 1 (2016)** which provides that: *"a Licensee must be owned by community members with the Board of Directors as custodian of the licence."*
 - 2.2. **Sections 24(2) and 34(4)(1) of Bay FM's Articles of Association** which provides as follows: *"24.2. No staff (voluntary /permanent) may be directors of Bay FM due to the fact that a conflict of interest may arise."*
"34.4. Without in any way limiting the nature and scope of their statutory and common law duties, each director shall be obliged, at all times to ensure that: 34.4.1. He/she devotes sufficient time to secure the proper execution of his duties and responsibility to the company."

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- 2.3. **Section 10A(7)(d) of the Standard Terms and Conditions Regulations for Class Licences, Schedule 1 (2016)** which provides that: *"The Board of Directors/ Trustees and station management must not occupy dual roles with regard to being managers/presenters at the radio station."*
- 2.4. **Section 12(1) of the Community Broadcasting Services Regulations (2019)** which states that: *"Management contracts must be lodged with the Authority for Approval."*
- 2.5. **Section 13(2) of the Community Broadcasting Services Regulations (2019)** which states that: *"A licensee must involve the community members in the management of the community broadcasting licensee"*.
- 2.6. **Section 21(2) of Bay FM's Article of Association** which states that: *"the directors shall be obliged to call an annual general meeting of the company, each year, within 6 (six) months of the financial year end of the company."*
- 2.7. **Section 27(2) of Bay FM's Articles of Association** which states that: *"if any vacancy at the Board of Directors occurs by virtue of this Article, such vacancy shall be filled by the members in accordance with Article 21 above."*
- 2.8. **Sections 11(2) and 25 of Bay FM's Articles of Association** which states that: *"11(2) The directors shall employ a Management Committee, who shall consist of at least three (3) Directors to co-ordinate the Programming."* *"25 The number of directors of the company shall be at least (3) three."*
- 2.9. **Article 27(1)(5) of Bay FM's Articles of Association** which state that *"the office of the director shall be vacated if the director or legal entity for which they represent resigns his or her office by notice in writing to the Company."*

3. The CCC adjudicated the matter on 10 April 2026 and Bay FM found to have contravened:
- 3.1. **Section 10A(7)(a) of the Standard Terms and Conditions Regulations for Class Licences, Schedule 1 (2016)** in that Bay FM failed the community in that the station is not owned by the community. There is no Board of Directors in existence which can legally claim to be custodian of the licence.
 - 3.2. **Section 10A(7)(d) of the Standard Terms and Conditions Regulations for Class Licences Schedule 1 (2016)** in that three of the station's directors, at some point between 2023 and 2025 acted as presenters at the station.
 - 3.3. **Section 13(2) of the Community Broadcasting Services Regulations (2019)** in that views of members of the community regarding the management of the station were ignored or disregarded.
 - 3.4. **Section 21(2) of Bay FM's Articles of Association** in that Bay FM failed to hold a successful AGM since 2013 and in that no AGM was organised in 2024.
 - 3.5. **Section 27(2) of Bay FM's Articles of Association** in that a vacancy in the Board occurred in June 2023 when a director, Trevor Flugel, resigned as a board member. He, however, was not replaced in accordance with the Articles as he continued to perform his role as a board member.
 - 3.6. **Article 27(1)(5) of Bay FM's Articles of Association** in that Bay FM operated without a board of directors for more than 21 months.
 - 3.7. **Sections 24(2) and 34(4)(1) of Bay FM's Articles of Association** there was not enough evidence in support of the allegations against Bay FM. It follows, therefore, that no finding of noncompliance can be made in this regard.

4. As a result, CCC made the following recommendations to Council that the Authority:
- 4.1. direct the Licensee to dissolve the current board or the individuals posing as board members of Bay FM.
 - 4.2. direct the station to elect an interim committee to run operations and that with the assistance of ICASA, organise a properly audited Annual General Meeting (AGM) within 90 days of the issuing of this Order.
 - 4.3. direct that a new Compliance Officer/Team be assigned to assist the Respondent in organising the AGM and to oversee the elections.
5. On 21 July 2026, the Council of ICASA approved the recommendations of the CCC as indicated in paragraph 4 above, having considered the reasons advanced by CCC in their judgment.
6. For your attention, the judgment of the Authority is attached and marked as Annexure "A".

Yours Sincerely,



Mothibi G. Ramusi

Chairperson

Date: 03/08/2026

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