



RADIO ATLANTIS ANNUAL COMPLIANCE REPORT

MARCH 2018

2016/2017 ANNUAL COMPLIANCE REPORT

RADIO ATLANTIS

Licence Period: 27 October 2013 to 26 October 2018

1. PREFACE

The Independent Communications Authority of South Africa (the Authority) has a statutory mandate in terms of the Constitution¹, the ICASA Act², the Electronic Communications Act³ (ECA) and the Broadcasting Act⁴ to regulate broadcasting activities in South Africa in the public interest. Among the responsibilities of the Authority is the task to ensure compliance by broadcasting service Licensees with the terms and conditions of their licence and any relevant legislation and/or Regulations.

This report will give an account of Radio Atlantis' compliance with the terms and conditions as set out in its licence, in the 2016/2017 financial year. Aspects of compliance that are measured comprise of Geographic Coverage, Community Participation, Programming, Format, News and Information, Local Content Obligations, Language(s), South African Music Content Regulations, Regulations Regarding Standard Terms and Conditions and Code for Persons with Disabilities.

For the purposes of formulating this report, the Authority monitored two weeks of programming, Monday 04 April until Sunday 17 April 2016.

2. BACKGROUND

In October 2013 the Authority renewed the Broadcasting Service Licence belonging to Radio Atlantis. Radio Atlantis has recently celebrated 21 years on the airwaves and the Licensee still welcomes new information regarding its service licence and strives to adhere to new regulations. Radio Atlantis serves the community of Atlantis and the surrounding areas. According to the Broadcast Research Council of South Africa, the listenership figures for the last quarter of the period under review was 46 000.⁵

¹ The Constitution of the Republic of South Africa, No 108 of 1996

² Act No. 13 of 2000, as amended

³ Act No. 36 of 2005

⁴ Act No. 4 of 1999

⁵ <http://www.brcsa.org.za/brc-ram-radio-listening-jul-16-dec-16-oct-16-mar-17/>

3. COMPLIANCE ASSESSMENT

3.1 Licensee

Clause 1 of the licence⁶ provides that:

"The Licence is issued to:

1.1 Name of Entity: Radio Atlantis.

1.2 Name of the Station: Radio Atlantis.

1.3 Control of the Licensee: Control shall vest in the Board of Directors of a non-profit organisation known as Radio Atlantis."

In the year that ended March 2017, the Authority did not receive notifications from the Licensee indicating a change in any of the above stated obligations. Accordingly, the Authority concludes that the Licensee retains its company name and that the control of the Licensee is still vested in the Board of Directors of the entity. Radio Atlantis did however, report on vacancies in the Licensee's controlling structure, but could still take executive decisions, as those members of the Board that are still with Radio Atlantis quorate.

The Licensee was found to be in compliance with clauses 1.1, 1.2 and 1.3 of its licence.

3.2 Licence Period

Clause 2 of Radio Atlantis' Broadcasting Service Licence provides as follows:

2.1 "The effective date of the Licence is 27th October 2013."

2.2 "The Licence shall expire on 26th October 2018."

Accordingly, Radio Atlantis' licence is due for renewal, the Licensee will be notified of the pending renewal and given guidance when and where necessary.

3.3 Licence Area

In terms of Clause 3 of Radio Atlantis' Broadcasting Service Licence:

"[Radio Atlantis] shall provide services to Atlantis and surrounding areas of Mamre, Pella, Darling, Nuwedorp, Dassenberg, Green River, Kalbaskraal, Piladelphia, Duynefontein,

⁶ Appendix A: Radio Atlantis' Broadcasting Service Licence

Van Riebeeckstrand, Melkbosstrand and Bloubergstrand in the Western Cape Province as set out in the Licensee's radio frequency spectrum licence⁷".

The information in the Authority's possession confirms that the Licensee continues to offer broadcasting service to the geographic community residing within Atlantis and surrounding areas of Mamre, Pella, Darling, Nuwedorp, Dassenberg, Green River, Kalbaskraal, Piladelphia, Duynefontein, Van Riebeeckstrand, Melkbosstrand and Bloubergstrand in the Western Cape Province. In addition to that, the Authority has not received any information alleging that the Licensee has gone beyond its licensed footprint.

The Licensee complies with clause 3 of the Licence.

3.4 Community

Clause 4 of Radio Atlantis' service licence makes the following prescription:

4.1 "The Licensee shall provide services to [a] geographic community residing within the geographic coverage area specified herein."

Radio Atlantis continues to offer broadcasting service to the geographic community residing in Atlantis and other areas as mentioned above.

The Licensee was found to be in compliance with clause 4.1 of the licence.

Clause 4.2 of the licence stipulates that:

"The Licensee shall provide for the participation of community members in the affairs of the station in the following ways:

4.2.1 The Licensee shall hold at least two (2) general meetings annually with its community on programming and programme-related matters for the selection and provision of programmes;

Radio Atlantis' submission confirms that the Licensee convened the two (2) meetings prescribed by clause 4.2 and 4.2.1 of the Licence. The perusal of the minutes as submitted by the Licensee, of both meetings' brought to light that indeed the matters discussed by the two (2) meetings were programming and programme related matters. Radio Atlantis'

⁷ Appendix B: Radio Atlantis' Frequency Spectrum Licence

meetings with its community sat on Thursday 03 November 2016 and on Thursday 09 February 2017 respectively.

The Licensee complies with clause 4.2 and 4.2.1 of its licence.

While Clause 4.2.2 provides as follows:

"The Licensee shall furnish the Authority with proof of such meetings as well the attendance thereof by members of the community;

Radio Atlantis submitted proof⁸ of both meetings as obligated by this clause.

In the year under review, the Licensee complied with clause 4.2.2 of its licence.

Clause 4.3 of the licence further states that:

The Licensee shall hold Annual General Meetings (AGM) for the following purposes:

4.3.1 To provide feedback on the Licensee's compliance with licence conditions.

4.3.2 To provide feedback on the Licensee's operational and financial performance

4.3.3 To elect members of the controlling structure, e.g. Board of Directors, Trustees etc. subject to the licensee's founding documents".

In the year under review, Radio Atlantis submits to have convened its Annual General Meeting (AGM) on Saturday 03 December 2016. The minutes⁹ submitted by Radio Atlantis as proof of this meeting attest to the provision of a report on the Licensee's financial performance and its compliance with the Licence Terms and Conditions.

Radio Atlantis complied with clause 4.3 of its licence.

3.5 Programming

Clause 5.1 of the licence provides that the Licensee shall provide programming as follows:

Clause 5.1.1 News and Information obligations:

The Licensee shall broadcast a total of 80 minutes of news per day. The news shall be broadcast in all of the languages identified below."

⁸ Appendix C: Proof of the 2 programming meetings for 2017.

⁹Appendix D: Radio Atlantis minutes and attendance Register for AGM

Radio Atlantis' programming log¹⁰ sheets point out that the Licensee broadcasts at least thirty-five (35) minutes of news per day. The Licensee's programming log sheets are consistent in recording that the Licensee carries two hundred and fifty (250) minutes of news per week. The Authority averages out the minutes provided by the Licensee as their weekly output over a week and the result records a shortfall of at least forty-five (45) minutes per day. According to Radio Atlantis' News Schedule, the Licensee carries at least eleven (11) news bulletins per week day, at least three (3) news bulletins on Saturday and none on Sunday.

The Authority's monitoring exercise found that the Licensee's news output is inconsistent. Radio Atlantis' on air profile was found to have at most five (5) news bulletins on some week days while Friday were observed to have no news bulletins at all. The monitored news bulletins would last for at least four (4) minutes each. On Radio Atlantis' best day, the Licensee was found to provide at least twenty (20) minutes of news per day. The monitoring conducted did not detect any news in isiXhosa.

The following are the extracts of Radio Atlantis news bulletins:

- *"Scores of Cape Peninsula University of Technology (CPUT) employees protested on the Bellville Campus on Tuesday to demand that the University revise a seven percent salary increase which they claim that it was unilaterally implemented. Staff members, including academic, administrative and other support staff, participated in the protest outside the administration building to demand that CPUT revise its offer".*
- *"The Mayor of Cape Agulhas Municipality wants police to investigate the possibility of a serial killer at work in Bredarsdorp after the latest violent murder of a young woman. Mayor Richard Mitchell, says there were alarming similarities in the brutal murders of the three females in the town in the past three years. Shuanita 22, Annene 17 and 5 year old Candice's bodies were all found on the 2nd of the month; on the 2nd of April, Shuanitta was discovered outside a building at the ends of Bredarsdorp, young Candice's body was found on the 2nd of February 2015 and on the 2nd year anniversary of Annene's death. All three murders took place on the 2nd and all three happened in the same vicinity and if you look at the brutality of these 3 cases it says a lot".*

¹⁰ Appendix E: Radio Atlantis' Programming Log Sheet

- *"The South African Public Service Union (SAPSU) has called on South Africans to engage in non-violence civil disobedience until President Jacob Zuma, his cabinet and members of Parliament resign. The Union said in a statement today that the country was in a state of lawlessness following the constitutional court ruling against Zuma. They said they mobilised workers and the civil societies into civil disobedience by engaging in a non-violent action which is open and visible, legal, performed for the moral purpose of protesting an injustice and done with the expectation of being punished".*

The Authority's findings conclude that Radio Atlantis failed to comply with clause 5.1.1 of its licence.

Clause 5.1.2 "South African Music Content: The Licensee shall broadcast South African music content of 45%."

According to the Licensee's programming log sheets, Radio Atlantis broadcasts at least 67% of South African Music content in an average week. The Authority's monitoring exercise found that the Licensee broadcasts at least 75% of South African Music Content.

The following music artists were found to enjoy airplay on Radio Atlantis: *Malaika, Brenda Fassie, Bongo Muffin, Zola7, Dejavu, AKA, Caspe Nyovest, Prince KB, Black Coffee, Garth Taylor, Hemel Besem, Micasa, Nathi, DJ Kent, Joshua B, Bobby Van Jaarsveld, Bianca, CheV, Emtee, Proffessor and Heavy K, Dr Malinga, Zahara*, and many others.

Just to note; the Licensee's featuring of Afrikaans musicians is commendable. Radio Atlantis serves as a platform for most up and coming Afrikaans musicians to showcase their music. Afrikaans music is not so popular with community radio stations, even those whose principal language of broadcast is Afrikaans.

The Licensee was found to be in compliance with clause 5.1.2 of the licence.

*Clause 5.1.3 Talk vs Music:
"55% Talk and 45% Music"*

The Authority's monitoring exercise observed the Licensee's programming profile as follows:

During weekdays Radio Atlantis was found to be consistent in its efforts to provide, approximately, 55% talk and 45% music format. The Licensee's efforts to comply with this clause are failed by their talk versus music output on weekends. Over period monitored, the Licensee was observed to carry more music than talk approximately 70% music and 30% talk especially on Saturdays. Compliance in all its form is measured during the performance period over a seven-day period and Licensees are required to comply with the format as stipulated in the licence.

On the basis that the Licensee's talk vs Music split changed drastically over the weekend and did not observed the 55% talk and 45% music, **the Authority concludes that Radio Atlantis failed to comply with clause 5.1.3 of its licence.**

Clause 5.1.4 Language(s) of broadcast:

"5.1.4.1 Afrikaans 60%;

5.1.4.2 English 36%; and

5.1.4.4 IsiXhosa 4%."

The Authority's monitoring exercise found that the Licensee used only 2 languages of broadcast. Afrikaans was found to dominate the Licensee's programming profile while isiXhosa was not observed. A Licensee's use of licensed languages is measured on the main aspects of programme profiling which are News and Information. No news or information was found in isiXhosa while monitoring Radio Atlantis' programme recordings.

On the basis of the above findings, **the Authority concludes that the Licensee failed to comply with clause 5.1.4 of its licence.**

3.6 Promises of performance

Clause 8.1 of the licence gives the following obligation:

"The Licensee shall establish and maintain structure that consist of representatives from Atlantis and surrounding areas of Mamre, Pella, Darling, Nuwedorp, Dassenberg, Green River, Kalbaskraal, Piladelphia, Duynefontein, Van Riebeeckstrand, Melkbosstrand and Bloubergstrand to ensure that these communities fully participate in the activities of the station".

Radio Atlantis reports that the communities¹¹ in the above mentioned areas serve in different structures within the Licensee. The Licensee's setup of the structures required by this clause is designed so that the well-off communities within the coverage areas (such as Melkbosstrand, Blouberg, Philadelphia, Green River and others) bring job opportunities, sponsorship for recreational activities and education in the form of bursaries for the previously disadvantaged communities in Atlantis, Mamre, Pella Kalbaskraal and others.

Individuals representing different sectors/organisations in these communities serve in the Board of Radio Atlantis. Lastly, individuals from the communities listed here above play a vital role in the programmes presented by the Licensee. Radio Atlantis has both non-profit organisations and organisations for profit in its structures.

To this day, Radio Atlantis has and maintains the structures prescribed by this clause.

Radio Atlantis complied with clause 8.1 of its licence.

Clause 8.2 makes the following provision:

"The Licensee shall broadcast training programmes related to youth, children and senior citizens".

The involvement of the communities listed here above allows Radio Atlantis to facilitate training of youth and children within the geographic coverage area. As previously mentioned, the communities in Radio Atlantis' coverage area are on two different ends of financial viability. Radio Atlantis' efforts make it possible for the "well off" communities to fund educational training and recreational (physical training) of the youth and the children in the "previously disadvantaged" communities.

Training of Radio Atlantis "staff" (mostly from the disadvantaged communities) is often funded by business and business owners in the "well off" communities of Radio Atlantis. Bursaries and Learnerships are mostly funded by the "well off" communities and sporting sponsorships is always funded by the communities on the positive side of financial viability.

The Licensee was found to be in compliance with clause 8.2 of its licence.

¹¹ Appendix F: List of organisations serving in the structures of Radio Atlantis

Clause 8.3 provides as follows:

"The Licensee shall ensure participation by members of its community in the production of community news".

Radio Atlantis employs only people from its coverage area as presenters, news readers and news producers. In the little news output that was monitored, news from the community was observed. The following are Radio Atlantis' news sources, according to the Licensee's General Log Sheets:

- Community;
- Local SAPS Office;
- Local Newspapers and their Agents;
- Internet;
- Community Organisations and their Leaders; and
- Government Communications and Information Systems (GCIS).

The Licensee was found to be in compliance with clause 8.3 of its licence.

4. REGULATIONS

4.1 South African Music Content Regulations

Regulation 3.3 of the Regulations on South African Music Content as published on 31 January 2006 provides that:

"Every holder of a community sound broadcasting licence to which these regulations apply must ensure that after eighteen months of the gazetting of these regulations, a minimum of 40% of the musical works broadcast in the performance period consist of South African music and that such South African music is spread reasonably evenly throughout the said period"¹².

According to the Licensee's programming log sheets, Radio Atlantis broadcasts at least 67% of South African Music content in an average week.

The Authority's monitoring exercise found that the Licensee broadcasts at least 75% of South African Music Content.

¹² Appendix G: Regulations on South African Music Content

The following music artists were found to enjoy airplay on Radio Atlantis: *Malaika, Brenda Fassie, Bongo Muffin, Zola7, Dejavu, AKA, Casper Nyovest, Prince KB, Black Coffee, Garth Taylor, Hemel Besem, Micasa, Nathi, DJ Kent, Joshua B, Bobby Van Jaarsveld, Bianca, CheV, Emtee, Proffessor and Heavy K, Dr Malinga, Zahara, and many others.*

The Licensee's featuring of Afrikaans musicians is commendable. Radio Atlantis serves as a platform for most up and coming Afrikaans musicians to showcase their music. Afrikaans music is not so popular with community radio stations, even those whose principal language of broadcast is Afrikaans.

The Licensee was found to be in compliance with the Regulations regarding the South African Music Content.

4.2 Compliance Procedure Manual – Form 12A

The Licensee is required, in terms of the Compliance Procedure Manual Regulations, to submit a Form 12A which reports on all complaints received in the course of each financial year. Radio Atlantis submitted its Form 12A for the year under review and according to the submission, the Licensee receive no complaints.

Furthermore, the Licensee's complaints promo was observed although in just two languages of broadcast. The feature of the complaints promo is important because it's a feature that is diminishing in community broadcasting.

The Licensee was found to be in compliance with the Compliance Procedure Manual Regulations.

4.3 Code for Persons with Disabilities

Clause 3.1 (a) of the Code for Persons with Disability of 2007 stipulates that:

"Broadcasting service Licensees must ensure that their services are made available and accessible to people with disability."

Radio Atlantis' service offering was found to cater for people with disabilities. The Licensee's programme "Grys en Wys" focuses on Senior Citizens and organisations that work with disabled individuals within the community. In the year under review, Radio Atlantis has stepped up its service offering to people with disabilities in its community; the Licensee has since entered into a partnership with ORION – an organisation that

works with the disabled community in the whole of Cape Town and has taken this further by having the CEO of Orion (Cape Town), Hanl Cronje, present a show on Tuesdays between 13h00 and 14h00. Radio Atlantis gives airtime to charitable work run for the benefit of the organisations caring for people living with disabilities and even runs wheelchair campaigns.

The following are the organisations working with people living with disabilities that were featured on Radio Atlantis' programming in the year under review:

- Orion (Western Cape);
- Robinhill School;
- Lief en Leed;
- Hermes Primary School; and
- Lofob.

Furthermore, the radio station's premises are accessible to people with disabilities.

The Licensee was found to be in compliance with the above mentioned regulation.

4.4 Regulations regarding Standard Terms and Conditions for Class Licensees

Regulation 2(1)(d) of the Regulations Regarding Standard Terms and Conditions for Class Licensees¹³ provides two fundamental regulations that are constantly and continuously used to measure a Licensee's compliance. The two regulations are regulation 2(1) and the sub clauses, along with regulation 9 in its entirety.

In terms of the provisions made by regulation 2(1) of the Regulations Regarding Standard Terms and Conditions for Class Licensees; Radio Atlantis has had no changes to its licence details and information in the year that is currently under review.

In addition to that, the Licensee always submits the information as and when required. In instances where the information will be late, Radio Atlantis would ask the Authority for an extension to submit.

The Licensee complies with regulations 2(1) and 9 of the Standard Terms and Conditions for Class Licensees.

¹³Appendix H: Regulations regarding the Standard Terms and Conditions

5. CONCLUSION

Radio Atlantis has failed to comply with at least 3 clauses on its licence. The Licensee's failures are mostly attributed to the availability of personnel to present shows in the required format and/or languages and times. Community Broadcasting makes use of volunteer personnel and this type of work force claims entitlement for its time. While Radio Atlantis' case is not unique in this instance, the Authority will engage the Licensee and advise them to apply for an amendment, where necessary, especially where their news output is concerned.

The Licensee's efforts, especially on matters of governance and management are admirable.

6. TERMS OF REFERENCE

Appendix A: Radio Atlantis' Broadcasting Service Licence;

Appendix B: Radio' Atlantis' Frequency Spectrum Licence;

Appendix C: Proof of programming meetings 2017;

Appendix E: Radio Atlantis' General Log Sheets;

Appendix F: List of organisations service in Radio Atlantis structures;

Appendix G: Regulations regarding the South African Music Content; and

Appendix H: Regulations regarding the Standard Terms and Conditions.