



JACARANDA FM ANNUAL COMPLIANCE REPORT

MARCH 2018

2016/2017 ANNUAL COMPLIANCE REPORT

JACARANDA FM 94.2

Licence Period: 17 December 2008 to 16 December 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.

The report is intended to give a detailed account of Jacaranda FM's performance for the period 2016/2017. Aspects of compliance that are measured comprise of Ownership and Control, Geographic Coverage, Language (s) of broadcast, Format, Local Content Obligations, General Programming Obligations, Training and Skills Development Obligations, Transmitter Split, People with Disabilities, Complaints, South African Music Content Regulations and Regulations on Standard Terms and Conditions for licences.

2. BACKGROUND

Jacaranda FM is an Individual Broadcasting Service licenced in 17 December 2008 to broadcast in parts of the Gauteng, Limpopo; North West and Mpumalanga Provinces. According to the Broadcast Research Council of South Africa (BRC), the listenership figures for the last quarter of the period under review was 1 191 000⁵ making it number 10 of South Africa's biggest radio stations by listenership.

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 Details

Clause 1 of the service licence stipulates that:

"The licence is issued to:

Name of Company/Entity: Jacaranda FM (Pty) Ltd

Shareholders: Kagišo Broadcasting (Pty) Ltd – 80%

Lagardere Active Radio International – 20%

Ownership held by persons from historically disadvantaged groups:

Kagišo Broadcasting (Pty) Ltd – 51.11%

There were no changes reported by the Licensee regarding the name and shareholding of Jacaranda FM during the period under review.

Geographic Coverage

Clause 2 of the schedule of the licence provides that:

"Parts of Gauteng, Limpopo, North West and Mpumalanga as defined in the map attached to the radio frequency spectrum licence".

Jacaranda FM has a footprint in the Gauteng; Limpopo, North West and Mpumalanga provinces⁶. The Licensee confirms that its footprint has not changed.

The Licensee complies with clause 2 of the schedule to its licence.

3.2 Broadcast Language/s

Clause 3 of the schedule to the licence stipulates that Jacaranda FM's languages of broadcast are:

"English 50% and Afrikaans 50%".

⁶ Attachment A contains service and frequency spectrum licence for further details

The language split of the radio station is an even split between English and Afrikaans. The Licensee submits that they have an internal mechanism to manage the even distribution of the language using a presentation clock, stipulating links in the hour. In addition, the language quota is monitored in daily and weekly air checks.

Jacaranda FM furthermore submits that its language split is achieved on other programming features including news, weather, traffic and sport. The monitoring exercise confirmed Jacaranda FM's English and Afrikaans split in between its shows as well as on its news reports. On the show "*Breakfast with Martin Bester and Tumi Morake*" the hosts ensured that they maintain a bilingual split in their content provision, as well as during phone in sessions with the listeners⁷.

The Licensee complies with its language obligations.

3.3 Format

Clause 4.1 of the schedule to the licence provides that:

"The Licensee shall have a programming format of music in an adult contemporary/golden oldies format providing a mix of music and information that is community based".

In its submission, the licensee reports that its music policy which targets the core audience focusing on hits from the 80's and 90's and has a format of adult contemporary music and entertainment. Furthermore, the licensee states that its content is predominantly based on local and relevant stories and features which also include community driven on-air segments.

The monitoring exercise found an example of the community driven campaign on the segment "Good Morning Angels" during the Breakfast show where a little boy of 12 years who has diabetes and is attending dialysis sessions two times a week is appealing the listeners for any forms of support/donations to assist in his medical bills and overall health. The Licensee also makes use of its social media platforms to extensively raise awareness on the different causes that require assistance detailing where and how people can participate.

The Licensee complies with clause 4.1 of the schedule to its licence.

⁷ Attachment B for further details on language split details

Clause 4.2 of the schedule to the licence provides that:

"The Licensee may not change more than fifteen percent (15%) of its format between 05h00 and 23h00".

The Licensee reports that its format does not change. It is strictly adhered to by presenters and it is also monitored with weekly air checks. This was confirmed by the monitoring exercise where there was no deviation found in the licensee's programming.

The Licensee complies with clause 4.2 of the schedule to its licence.

3.4 Local Content Obligations

Clause 5 of the schedule to the licence provides that:

5.1 *"The Licensee shall annually hold live music concert featuring South African artists, and*

5.2 *The Licensee shall provide new local artists with a platform to promote their music".*

Jacaranda FM reports that in its continuous effort to promote South African music and artists, it held various live music concerts across the country namely Innibos Concert in Nelspruit; Carols by Candlelight in Pretoria and Johannesburg; Jacaranda Day; Spring Walk; and Off the Beaten Track amongst others.

The Licensee also has in-studio live performances where local artists are interviewed for an hour and gets to play their music live. The Authority's monitoring exercise found that local band Prime Circle performed live on the rooftop of the studio on the show *"Breakfast with Martin Bester and Tumi Morake"*.

During the period under review, the licensee also reports that it conducted several interviews and performances by new and established local artists including:

- Francois van Coke – interview + live performance;
- Jesse Clegg – interview + live performance;
- Ard Matthews – interview;
- Dr Victor – interview; and
- Albert de Wet – interview .**Jacaranda FM has complied with clause 5.1 and 5.2 of the schedule to its licence.**

3.5 General Programming Obligations

Clause 6.1 of the schedule to the licence provides that:

"The Licensee shall, during each weekday, broadcast an average of:

6.1.1 twenty seven (27) minutes of national news;

6.1.2 thirteen (13) minutes of news related to coverage area; and

6.1.3 fifteen (15) minutes of international news, with particular emphasis on news from African Content

Clause 6.2 of the schedule to the licence provides that:

"The Licensee shall broadcast newscasts on all weekdays from 05h00-19h00 and on weekends from 07h00 to 18h00".

The Authority's monitoring exercise indicated that Jacaranda FM broadcasts news every hour and headlines at the bottom of every hour between 05:00 and 19:00 weekdays making at least twenty-two (22) news bulletins, and on weekends there are twelve (12) news bulletins for Saturdays and Sundays respectively. News is broadcast every hour from 07h00 to 18h00 on weekends. The news broadcast is split into two languages being 50% English and 50% Afrikaans

Jacaranda FM's main news bulletins last for approximately four (4) minutes; amounting to approximately fifty-six (56) minutes of news per day excluding headline news. Jacaranda FM's news is focused on local news, regional news and international news and thereby comply with their minutes allocation for local, national and international which is mostly news from the content. In most of their headlines, the licensee ensures that news coverage from their main broadcasting footprints of Gauteng; Limpopo; North West and Mpumalanga are always featured.

The following is an example of news item broadcast by the licensee during the period monitored:

- *"Health Ministry spokesperson Joe Maila has died. Health minister Aaron Motsoaledi has confirmed the death of his spokesperson Joe Maila. The minister told Jacaranda FM News that Maila passed away on Thursday night. Joe Maila is survived by his wife and two children. Motsoaledi has urged the media and the public to allow the family space during this difficult time."*

- *"Police crack syndicate involved in farm attacks. Limpopo police say 5 suspects who have allegedly been involved in a recent spate of farm attacks in the Tzaneen area, have been arrested. The major breakthrough followed investigations by a special task team, consisting of a provincial team and a local task team."*
- *"One person has been killed after a fire broke out in a retirement home in Midstream in Centurion on Friday evening. ER24 spokesperson, Ineke van Huyssteen, said ER24 paramedics arrived shortly after 19:00 and that another medical service was already attending to patients "*
- *"Mango experiencing 'minor delays' due to strike. Low cost airline Mango says it is only experiencing minor flight delays amid the strike action by its pilots. Mango spokesperson Sergio dos Santos says although there are some delays, people are still reaching their destinations."*

Jacaranda FM complies with clause 6.1 and 6.2 of the schedule to its licence.

Clause 6.3 of the schedule to the licence provides that:

"Should the Licensee source news material from a source other than itself, the source(s) thereof shall be disclosed during the news broadcast".

The licensee has not reported on the above-mentioned clause. The Authority's monitoring exercise found that even though there are news generated from sources other than the station, these sources are not credited. An example of these will be the international news items that can be found to be from other sources but these are not credited during the news broadcast.

Jacaranda FM does not comply with clause 6.3 of the schedule to its licence.

3.6 Training and Skills Development Obligations

Clause 7.1 of the schedule to the licence provides that:

"The Licensee to assist in the development of broadcasting knowledge and skills amongst historically disadvantaged groups in the industry by "adopting" at least three community sound broadcasters within the broadcasting coverage area and providing them with, among other things, managerial and technical training through the holding of workshops and hands -on experiential training at Jacaranda FM'.

The licensee submits that it continues to assist class sound broadcasting licensees in the fields of training, skills development and technical provisions. Below is a list of community broadcasters and media institutions assisted by Jacaranda FM for the period under review:

Wits Radio Academy (VOW) 88.1

The licensee collaborated with VOW to offer a 12-month internship from January 2017 to December 2017. Though this internship, students are exposed to programming; production; marketing and event management. The aim is to expose them to a professional news environment. During the period under review there were two (2) interns who rotate their time between VOW and Jacaranda FM. These are students studying towards an Advanced Radio Certificate which carries NQF 6 level. The cost of this course is carried by the licensee though a bursary.

Vega School

The General Manager of Jacaranda FM, Mr Kevin Fine facilitated a session on Brand strategy.

Boston Media House

The licensee hosted two (2) students for a period of two weeks with the aim of exposing them to different aspects of the radio station, including music, sales and marketing as well as production and programming⁸.

Jacaranda FM complied with clause 7.1 of the schedule to its licence.

Clause 7.2 of the schedule to the licence provides that:

"The Licensee shall spend at least R1 500 000 00 (one million five hundred thousand Rand) over its licence period on training and skills development.

Jacaranda FM reports that it spent R895 284,00 on training and development for the period under in review and have subsequently spent a cumulative R3 998 193,80 over the duration of its licence period⁹.

Jacaranda FM complied with clause 7.2 of the schedule to its licence.

⁸ Attachment D: Training and skills development).

⁹ Ibid

3.7 Transmitter Split

Clause 9 of the schedule to the licence provides that:

"The Licensee is authorised to operate a transmitter split service known as RMFM for four (4) hours per day from 12h00 to 16h00 weekdays and 10h00 to 14h00 on Saturdays in Limpopo and the North West Province, as is set out in the radio frequency spectrum licence".

The monitoring exercise confirmed that the radio station broadcast its programmes split for four (4) hours as stipulated in the licence.

Jacaranda FM complies with clause 9 of the schedule to its licence.

4 REGULATIONS

4.1. South African Music Content Regulations

Regulation 3.2 of the Regulations on South African Music Content as published on 31 January 2006 provides that:

"Every holder of a commercial sound broadcasting licence to which these regulations apply must ensure that a minimum of 25% 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" (Regulations on South African Music Content attached as Attachment E).

The Licensee reports that it broadcast 28.54% of South African Music Content. The monitoring exercise confirmed that the licensee plays approximately 27% South African music including interviews with local musicians and is in compliance with the South African Music Content Regulations. Some of the local artists monitored are Prime Circle; Mango Groove; Elvis Blue; Connell Cruise; Rubber Duc; Francois van Coke; Matthew Mole and many more.

4.2. Regulations regarding Standard Terms and Conditions for individual broadcasting licences

During the period under review, the Authority did not identify any non-compliance by the Jacaranda FM with the standard terms and conditions for individual licensees.

4.3 General Licence Fees Regulations

Regulation 3 (1) (a) of the General Licence Fees Regulations provides that:

"The annual Licence fees prescribed in these regulations and as set out in Schedule 2 apply to holders of Individual and Class ECS licences, Individual and Class ECNS licences and Individual Commercial BS licences".

Schedule 2 under Annual Licences Fees provides that:

"Individual Commercial Broadcasting Service Licensees to pay an annual licence fee of 1.5% of gross profit to the Authority".

Schedule 3 (4) (b) and (c) provides that:

"(b) in respect of payment, such are due and payable within 6 months from the end of the licensee's financial year;

(c) may only be paid by way of an electronic transfer or via direct deposit into the Authority's bank account"

Jacaranda FM has paid their annual licence fees on 09 January 2018 in accordance with the applicable regulations.

The Licensee complies with the General Licence Fees Regulations.

4.4 Universal Service and Access Fund (USAF) Regulations

Regulation 3 (1) of the prescribed annual contribution of licences to USAF regulations published on 10 February 2011 provides that:

"Every holder of the licence granted in terms of Chapter 3, 4 and /or 9 or converted in terms of Chapter 15 of the Act, must pay an annual contribution of 0.2 % of the annual turnover, to the Fund".

Regulation 3 (2) stipulates that:

"A BS licensee who has paid an annual contribution to the MDDA must set off that contribution against its USAF contribution, provided that the MDDA contribution and the USAF contribution against which it is set off are for the same financial year".

Jacaranda FM paid their USAF payment to the MDDA on 29 September 2017 within the stipulated period in accordance with the applicable regulation.

The Licensee complies with the USAF Regulations.

4.5 Regulations on the Code for People with Disabilities

The Licensee did not report on any matters that relate to the Code for People with Disabilities. In the absence of a detailed report to this effect, **the radio station did not comply with the Regulations on the Code for People with Disabilities.**

5. COMPLAINTS

The Licensee is a member of the National Association of Broadcasters ("NAB") and complaints in relation to the Code of Conduct by Broadcasters are administered by the Broadcasting Complaints Commission of South Africa ("BCCSA").

6. CONCLUSION

The licensee has generally complied with the terms and conditions of its licence and in instances where there was non-compliance, the BCU will raise the matters with the licensee for correction.

7. TERMS OF REFERENCE

Attachment A:	Jacaranda FM Service and Spectrum Licence;
Attachment B:	Language Split Submission;
Attachment C:	News Submission;
Attachment D:	Skills Development Submission;
Attachment E:	SA Music Content Submission;
Attachment F:	Regulations on South African Music Content;
Attachment G:	Standard Terms and Conditions for Individual Licences;
Attachment H:	General Licence Fees Regulations;
Attachment I:	Universal Service and Access Regulations; and
Attachment J:	Regulations on the Code for People with Disabilities.