



LATHI-THAA COMMUNITY RADIO ANNUAL COMPLIANCE REPORT

MARCH 2018

2016/2017 ANNUAL COMPLIANCE REPORT

LATHI-THAA COMMUNITY RADIO

Licence Period: 15 May 2013 to 14 May 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 is intended to give account of Lathi-Thaa Community Radio's compliance with the terms and conditions as set out in its licence, for 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 Regulations and Regulations Regarding Standard Terms and Conditions.

2. BACKGROUND

In May 2013, a broadcasting licence was issued to Lathi-Thaa Community Radio which is broadcasting as LA FM. The licensed service is to serve the community of Senqu Local Municipality area in the Eastern Cape Province.

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

3. COMPLIANCE ASSESSMENT

3.1 Licensee

Clause 1 of the service licence of Lathi-Thaa Community Radio provides that:

"The Licence⁵ is issued to:

- 1.1 Name of Company/Entity: Lathi-Thaa Community Radio Station*
- 1.2 Control of the Licensee: Control shall vest in the Board of Directors of a non-profit organisation known as Lathi-Thaa Community Radio Station."*

In the year under review, the Authority received no notifications from the Licensee indicating a change in any of the above information.

The Licensee was found to be in compliance with clauses 1 of its licence.

3.2 Licence Period

Clause 2 of the service licence of Lathi-Thaa Community Radio provides that:

"The licence is valid for a period of five (5) years from the signature date."

Accordingly, Lathi-Thaa Community Radio's licence is valid until 14 May 2018. The Licensee will be notified of the pending renewal and given guidance on the process and the forms required to be submitted.

3.3 Licence Area

Clause 3 of the service licence of Lathi-Thaa Community Radio provides that:

"The Licensee shall provide services to the Senqu Local Municipal area in the Eastern Cape Province as set in the licensee's radio frequency spectrum licence."
Lathi-Thaa Community Radio's coverage area remains as prescribed in the licence terms and conditions.

⁵ Appendix A: Lathi Thaa FM's Broadcasting Service Licence

However, the licensee reports of difficulties in reaching some of the areas in its licence area. During a meeting with Lathi-Thaa Community Radio in 12 December 2016, the licensee was advised to liaise with the Authority's Spectrum Licensing Department to establish means of rectifying their coverage challenges.

Furthermore, in the year under review, the Authority received no reports or complaints indicating that the radio station has gone beyond its licence area.

The Licensee was found to be in compliance with clause 3 of its licence.

3.4 Community

Clause 4 of the service licence of Lathi-Thaa Community Radio provides that:

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

Lathi-Thaa Community Radio submits that it provides service to a geographic community residing within Senqu Local Municipal area and nowhere outside of that area. The Licensee is still experiencing problems with reaching all areas in Senqu Local Municipality but is working tirelessly to ensure that they can cover their licensed area in the near future.

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

Clause 4.2 of the service licence of Lathi-Thaa Community Radio provides 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) meetings annually with its community focusing on programming and programming policies of the station;

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

Lathi-Thaa Community Radio did not convene any programming focused meetings with its community in the year under review. The Licensee admitted this non-compliance during a meeting held with the Authority in 12 December 2016. Lathi-Thaa Community Radio attributed its failure to comply with this clause to ignorance and promised to rectify their mistake in the years to come. Furthermore, the Licensee claims to have had no changes to any of its programming related matters in the year under review.

The Licensee failed to comply with clauses 4.2.1 and 4.2.2 of its licence.

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

4.2.3.1 To provide feedback on the Licensee's compliance with licence conditions,

4.2.3.2 To provide feedback on the Licensee's operational and financial performance, and any Special Annual General Meeting as and when required by the constitution; and

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

In a letter dated Friday 5 May 2017, Lathi-Thaa Community Radio admitted to having convened no general meetings with the community in the year under review⁶.

The Licensee failed to comply with clause 4.2.3 of its licence.

3.5 Programming

Clause 5.1 of the service licence of Lathi-Thaa Community Radio provide that programming shall be as follows:

Clause 5.1.1 Format: "60% talk and 40% music"

⁶ Appendix B: Letter from Lathi Thaa Community

Lathi-Thaa Community Radio submits that their programming format adheres to their licensed format. While monitoring Lathi-Thaa Community Radio's programming profile, the Authority found that the Licensee carries more talk than music. However, this is not always the case as some weekend slots carry more music than talk. While this may be the case, the Authority's calculation – averaged out on a sample of 7 days – found that indeed the radio station's programming format is a split of 60% talk and 40% music.

Lathi-Thaa Community Radio was found to have complied with its format.

Clause 5.1.2 News and Information:

"The Licensee shall broadcast a total of one hundred (100) minutes of news per day, of which 60% shall be local news, 20% provincial news, 15% national news and 5 % international news."

The Licensee's programming log sheets indicated that Lathi-Thaa Community Radio carries at least 26 minutes of news per day during the South African performance period.

The Authority's monitoring exercise could not locate any news bulletins on the Licensee's programming profile even though presenters on all shows could be heard making reference to "news", thanking the "News reader for the bulletin" and even promising the listeners a "news bulletin" at the top of the hour. Based on the utterances of the presenters on almost all shows, the Authority can say it is possible the Licensee does indeed schedule news in their programming format. However, the Authority is in no position to measure the Licensee's performance in terms of news output because news could not be monitored.

The Authority concludes that Lathi-Thaa Community Radio failed to comply with their news and information obligation.

Clause 5.1.3 Local Content:

"The Licensee shall broadcast a South African music content of 60%."

The programming log sheets submitted by Lathi-Thaa Community Radio indicate that the Licensee plays at least 57% South African music on an average week⁷. While the Licensee's measure of the local content output may present non-compliance, the Authority's findings showed that the Licensee actually complies with the obligation to play 60% South African music.

The Authority's monitoring exercise found that the Licensee plays at least 75% South African Music in its programming profile. The music artists who were found to enjoy airplay on Lathi-Thaa Community Radio, were the following: Olothando Ndamase, Zano, Professor and Heavy K, Zameka and Trademark, Lastee, Duncan, Emtee and Miss Pru, Cassper Nyovest, Nathi Mankayi, Sjava, Toshi, Lusanda Mcinga, Ringo Madlingozi, Babes Wodumo, Zahara, Jub Jub, Dr Malinga, Lira and many others.

The Licensee was found to be in compliance with its local content obligations.

Clause 5.1.4 Language(s) of broadcast:

- a) 55% isiXhosa;*
- b) 30% Sesotho;*
- c) 10% English; and*
- d) 5% Afrikaans*

The Authority's monitoring exercise found that Lathi-Thaa Community Radio's programming profile features only 3 out of the 4 licensed languages.

The Afrikaans language could not be found during monitoring. On that basis, the Licensee did not provide any programming in the Afrikaans language.

The Licensee failed to comply with its languages of broadcast obligations.

4. REGULATIONS

⁷Appendix C: Lathi Thaa FM Log Sheets

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"⁸.

The Authority's findings showed Lathi-Thaa Community Radio complies with the obligation to play 40% South African music. The Authority's monitoring exercise found that the Licensee plays at least 75% South African Music in its programming profile.

The Licensee was found to be in compliance with the Regulations on 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. In the year under review, the Licensee submitted its Form 12As indicating that the Licensee received no complaints.

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

4.3 Code on People with Disabilities

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

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

⁸ Appendix D: Regulations on South African Music Content

Lathi-Thaa Community Radio's programming was found to cater for people with disabilities. 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

The Authority is satisfied that during the period under review the Licensee did not contravene the regulation in respect of the Standard Terms and Conditions for Class Licences.

5. CONCLUSION

Lathi-Thaa Community Radio has failed to comply with at least 3 clauses of its service licence. The Licensee failed to comply with its obligation for community participations, news and information obligation and language obligations.

The Authority will address the area of concern with the Licensee during the next financial year.

6. TERMS OF REFERENCE

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| Appendix A: | Lathi-Thaa Community Broadcasting Service Licence |
| Appendix B: | Lathi-Thaa Community Letter Regarding Clause 4 meetings |
| Appendix C: | Lathi-Thaa Community Log Sheets |
| Appendix D: | Regulations on South African Music Content |
| Appendix E: | Regulations regarding the Standard Terms and Conditions, 2010 published in GG no 33296 dated, 14 June 2010 |