



LICHVAAL STEREO ANNUAL COMPLIANCE REPORT

MARCH 2018

2016/2017 ANNUAL COMPLIANCE REPORT: LICHVAAL STEREO

Licence Period: 27 November 2013 – 26 November 2018

1. PREFACE

The Independent Communications Authority of South Africa (the Authority) has a statutory mandate in terms of the Constitution¹, the Independent Communications Authority of South Africa Act² (ICASA Act), 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 Lichvaal Stereo'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), Code on People with Disabilities, South African Music Regulations and Regulations Regarding Standard Terms and Conditions.

2. BACKGROUND

In November 2013, a broadcasting licence was issued to Lichtenburg Community Radio, which is broadcasting as Lichvaal Stereo. The licensed service is to provide services to Lichtenburg, Sannieshof, Ottosdal, Gerdau, Biesiesvlei and surrounding areas in the North West Province as set out in the Licensee's radio frequency spectrum licence.

3. COMPLIANCE ASSESSMENT

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

3.1 Licensee

Clause 1 of the schedule to licence provides that:

"The Licence⁵ is issued to: 1.1. Name of entity: Lichtenburg Community Radio.

1.2. Name of the Station: Lichvaal Stereo.

1.3. Control of the Licensee: Control shall vest in the Board of Directors of a section 21 Company known as Lichtenburg Community Radio"

The Licensee is compliant with clause 1 of its service licence.

3.2 Licence Period

Clause 2 of the schedule to licence provides that:

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

2.2 The Licence shall expire on 26 November 2018."

The Licensee will be notified of the pending renewal and be advised of the process thereof and the applicable forms to be submitted.

3.3 Licence Area

Clause 3 of the licence provides that:

"The Licensee shall provide services to Lichtenburg, Sannieshof, Ottosdal, Gerdau, Biesievlei and surrounding areas in the North-West Province as set in the Licensee's radio frequency spectrum licence."

Lichvaal Stereo's coverage area remains as prescribed in the licence terms and conditions. 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 compliant clause 3 of the schedule to its licence.

3.4 Community

⁵ Annexure A: Lichvaal Stereo's Broadcasting Service Licence

Clause 4.1 of the schedule to licence provides that:

"The Licensee shall provide services to an Afrikaans-speaking community of interest residing within the geographic coverage area specified herein."

The monitoring exercise as conducted by the Authority confirms that the Licensee provides services to an Afrikaans-speaking community.

The Licensee was found to be compliant with clause 4.1 of the schedule to its licence.

Clause 4.2 of the schedule to licence provides that the Licensee shall provide for the participation of community members in the affairs of the station in the following ways.

Clause 4.2.1 and 4.2.1 of the Licensee's service licence states that:

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

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

During the period under review the Licensee did not submit any information in relation to any meetings held with its community.

The Licensee is non-compliant with clause 4.2.1 and 4.2.2 of its service licence.

Clause 4.2.3 of the Licensee's service licence states that:

"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

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."

During the period under review the Licensee submitted that an AGM was held on the 12th of August 2017. As indicated by the agenda, the meeting was held for the

discussion of financial statements, appointment of auditors, election of Directors, election of management and nomination of a chairperson.

The Licensee was found to compliant with clause 4.2.3 of the schedule to its licence.

3.5 Programming

Clause 5.1.1 of the schedule to licence provides that:

"Local News and information:

The Licensee shall broadcast a total of 135 minutes of news from the community produced by the station on issues affecting the community."

During the monitoring exercise, as conducted by the Authority it was found that the licensee's news broadcast on weekdays do not meet the requirement of 135 minutes of news broadcast per day. The average news broadcast has a duration of four (4) minutes, while an average news headlines bulletin lasts for twenty (20) seconds. The total news broadcast by the Licensee on weekdays average under thirty (30) minutes per day, with news broadcasts ending at 15h00.

On Saturdays, the monitoring exercise concluded that only one news bulletin is broadcasted at 10h00 for a total average broadcast time of three (3) minutes. News headlines are broadcasted twice with a total average broadcast time of twenty-five (25) seconds.

On Sundays, the monitoring exercise as conducted by the Authority found that there is no news broadcast.

Some of the news that were monitored during the monitoring exercise include:

- *"Die verhoor van die Demokratiese Alliansie se Skadu-Minister vir Justisie, Glynnis Breytenbach, gaan vanaf 18 tot 22 Julie in die streekshof in Pretoria Noord plaasvind. Sy word aangekla van regsverydeling omdat sy na bewering inligting verwyder het van haar amptelike rekenaar terwyl sy nog 'n aanklaer was. Bykomende aanklagte van bedrog en myneed is verlede maand by die klagstaat gevoeg."*
- *"Die hoof van die polisie se Valke eenheid, het die parlement die versekering gegee dat die eenheid sy bes probeer om nie deur politici of enige iemand anders*

beheer te word nie. Hy het die parlementêre committee vir polisie ingelig oor die begroting en strategiese plan. Die waarnemende polisie hoof sê die Valke eenheid moet 'n gerespekteerde ondersoek eenheid wees."

- *"Die Onafhanklike Verkiesingskommissie sê alles het goed verloop tydens die spesiale registrasie naweek ondanks ontwrigting in verskeie gebiede. Betogings is aangemeld in verskeie dele van die land insluitend Limpopo, die Oos-Kaap en Johannesburg. Woordvoerder, Granville Abrahams, glo daar was, net soos met verlede maand se registrasie naweek, meer as 3 miljoen voornemende kiesers wat die registrasie punte besoek het."*
- *"Die grondwetlike hof is besig om uitspraak te lewer in die Nkandla saak. Die Demokratiese Alliansie (DA) en die Ekonomiese Vryheid Vegters (EVV) het die hof gevra om die aard en omvang van artikel 9 instellings se magte uit te klaar. Dit het gevolg op die Openbare Beskermer, Thuli Madonsela, se bevinding dat President Jacob Zuma minstens 'n deel van die R240 miljoen se staatsgeld moet terug betaal wat aan sy privaat landgoed by Nkandla in KwaZulu-Natal bestee is."*

The Licensee is not compliant with clause 5.1.1 of its service licence.

Clause 5.1.2 of the schedule to licence provides that:

"South African Music Content: 40%"

The monitoring exercise confirms that the Licensee meets and exceeds the 40% of South African music content obligation.

Some of the local music that was featured during the period under review include: *Bok van Blerk - "Bok vir sports", Anders - "Jou liefde", Sartjie - "Wie sal my bystaan", Heinz Winkler - "Meisie van my hart", Emo Adams - "Oukraal liedtjie", Jacqueline - "Vinkel en koljander", Snotkop - "Dikkedicious", Ray Dylan - "Bloubul Honey" and Kurt Darren - "Ek kry die gevoel".*

The Licensee is compliant with clause 5.1.2 of its service licence.

Clause 5.1.3 of the schedule to licence provides that:

"Talk v Music: 60% Talk and 40% Music"

During the monitoring exercise as conducted by the Authority, it was found that the Licensee complies with its obligation to broadcast 60% talk in comparison to the 40% music.

The Licensee is compliant with clause 5.1.3 of its service licence.

Clause 5.1.4 of the schedule to licence provides that:

"Language(s) of broadcast: Afrikaans – 100%"

During the period under review the Authority confirms that the language of broadcast of the Licensee is 100% Afrikaans.

The Licensee is compliant with clause 5.1.4 of its service licence.

Clause 5.1.5 of the schedule to licence provides that:

"Broadcast hours: The Licensee shall broadcast for eighteen (18) hours a day"

During the period under review, the Licensee did not submit any notifications of a disruption of its 18 hours per day broadcast requirement as set out in clause 5.1.5.

The Licensee is compliant with clause 5.1.5 of its service licence.

3.6 Promise of Performance

Clause 8.1 of the Licensee's service licence states that:

"60% of the Licensee's talk programming content shall be aimed at the promotion of literacy, education, community upliftment and informational programming. This will include informal education such as skills development."

The Licensee has informational programming that relates to Agriculture and related content. The programming is sourced from *Landbou Radio* and includes interviews with experts in the field that are conducted for approximately ten (10) minutes per interview. During the monitoring period, interviews were held with Dirk Koetzee who spoke about farmers who transport their workers to and from work and what the possible implications of this could be. Albertus van Wyk was interviewed and spoke about stories making news on the agriculture front. This is conducted daily throughout

the eighteen (18) hours that the licensee is required to broadcast per day for an average broadcast time of thirty (30) minutes.

The Licensee broadcasts a children's segment weekdays. During the segment children's music and children's stories are broadcasted for a total broadcast time of twenty-one (21) minutes.

The Licensee broadcasts informational programming throughout the week. For example, "Vonkelvrou" is a program where topics, such as wills, were discussed, this is informal knowledge building. The program was broadcasted for an average time of forty (40) minutes.

The Licensee furthermore broadcasts a religious segment during weekdays from 18h00 for a total average broadcast time of fifteen (15) minutes. This counts towards community upliftment as the religious segment is usually tied together with an inspirational or motivational message.

The Licensee broadcasts a daily book reading segment that is broadcasted for approximately fifteen (15) minutes per day. This counts towards the literacy requirement.

The monitoring exercise confirms that the Licensee meets the requirement that 60% of the Licensee's talk programming content shall be aimed at the promotion of literacy, education, community upliftment and informational programming.

The Licensee is compliant with clause 8.1 of its service licence.

Clause 8.2 of the Licensee's service licence states that:

"The Licensee shall broadcast programming that relates to students, adults, the aged and the youth between 18 – 45 age groups"

The Licensee has a program that relates to students called "Liggie Tyd" this is broadcast on Fridays from 15h09 until 15h30. The program is hosted by a group of students and is centred around discussions of student affairs.

Furthermore, the Licensee Broadcasts "Sewe Weekspoort", a drama that caters to a more mature audience.

The programming that is mentioned throughout this report is broadcast by the Licensee and caters to all ages groups.

The Licensee is compliant with clause 8.2 of its service 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"*⁶.

The Authority's findings showed Lichvaal Stereo complies with the obligation to play a minimum of 40% South African music.

The Licensee was found to be compliant the Regulations on South African Music Content.

4.2 Code on People with Disabilities

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

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

During the period under review, the Licensee did not submit any information regarding their compliance with the Code on People with Disabilities.

The Licensee is non-compliant with the Code on People with Disabilities.

4.3 Compliance Procedure Manual Regulations – 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 during each financial year.

In the year under review, the Licensee did not submit its Form 12A.

The Licensee was found to be non-compliant the Compliance Procedure Manual Regulations.

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.

The Licensee was found to be compliant with the Standard Terms and Conditions for Class Broadcasting Service Licensees.

5. CONCLUSION

The Licensee is non-compliant with several of the obligations, including community participation, news broadcasting obligations, Code on People with Disabilities and the Compliance Procedure Manual Regulations. These issues of non-compliance will have to be addressed with the Licensee in the next financial year. Continuous monitoring is required as to ensure that the licensee is compliant, following communication about the areas of non-compliance with the Licensee.

6. Terms of Reference:

Annexure A: Lichvaal Stereo's Broadcasting Service Licence

Annexure B: South African Music Content Regulations

Annexure C: Code on People with Disabilities

Annexure D: Compliance Procedure Manual Regulations

Annexure E: Standard Terms and Conditions for Class Licensees