



MERAFONG FM ANNUAL COMPLIANCE REPORT

MARCH 2018

2016/2017 ANNUAL COMPLIANCE REPORT

MERAFONG FM 103.6

LICENCE PERIOD : 02 JULY 2013 – 02 JUNE 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 following report is intended to give an account of Merafong FM's compliance performance 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 the Licence Area, Community, Programming, South African Music Content Regulations, Regulations regarding Standard Terms and Conditions for Class Licensees and Regulations on the Code for People with Disabilities.

2. BACKGROUND

Merafong FM is a class broadcasting service licensee serving the geographic community of Carletonville and surrounding areas under Merafong City Local Municipality in Gauteng Province. According to the Broadcast Research Council of South Africa, the listenership figures for the last quarter of the period under review was 6 000⁵.

3. COMPLIANCE ASSESSMENT

3.1 Licensee Details

Clause 1 of the service licence stipulates that:

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/>

1.1 Name of Company/Entity: Merafong Community Radio, registration number 105-449 NPO

1.2 Control of Licensee: Control shall vest in the Board of Directors of a non-profit organization known as Merafong Community Radio

There were no changes reported by the Licensee regarding the name of the radio station and the controlling structure of the organization.

The Licensee complies with clauses 1 of the service licence

3.2 Licence Period

Clause 2 of the service licence stipulates that:

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

According to its licence, Merafong Community Radio is due for a licence renewal before the licence expires on 01 June 2018. At the time of publication, the Licensee has not tendered a renewal application form, however, the licence is still under its period of validity.

The Licensee complies with clause 2 of the service licence.

3.3 Licence Area

Clause 3 of the service licence provides that the Licensee's coverage area is as outlined below:

"The Licensee shall provide services to Merafong Local Municipal area in Gauteng Province as set out in the Licensee's radio frequency spectrum licence."

The Licensee confirms that it broadcasts in the geographic area as set out in its frequency spectrum licence.

The Licensee complies with clause 3 of the service licence.

3.4 Community

Clause 4.1 of the service licence stipulates that:

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

The Licensee provides broadcasting services to the areas in Merafong City Local Municipality, which falls under the West Rand District Municipality in Gauteng Province. These include Carletonville, Fochville, Khutsong, Wedela and surrounding areas. The station has not indicated any difficulties in reaching all their licenced areas, and the Authority has not received any complaints from members of the public residing in the coverage area on issues related to poor coverage or interference.

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

Clause 4.2 of the service licence provides as follows:

"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 2 (two) 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 as the attendance thereof by members of the community".

The radio station did not submit any proof of meetings as requested by the Broadcasting Compliance Unit.

The Licensee did not comply with clause 4.2.1 and 4.2.2 of the schedule to its licence.

Clause 4.2.3 The Licensee shall to 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".

The Licensee has not submitted information related to the holding of an AGM or any proof that it took place. Noteworthy on the radio station's social media account on Facebook there was a reference to a gala dinner on 29 October 2017, although there was no submission of reports, attendance register and minutes of the gathering.

The Licensee did not comply with clause 4.2.3 of the schedule to its licence.

3.5 Programming

Clause 5.1.1 of the service licence provides for the radio station's format as follows:

"60% talk and 40% music"

The radio station was found to broadcast more music than talk and this was evident on some of its shows such as *The Camp* weekdays between 12H00 and 15H00 and the *Afternoon Drive* between 15H00 and 18H00. These shows are dominated by music and less talk with an average of 70% music and 30% talk. During the performance period, the monitoring exercise discovered that the radio station, in an average week, does not comply with the format ratio.

The Licensee does not comply with its format.

Clause 5.1.2 of the service licence provides that:

"The Licensee shall broadcast a total of seventy (70) minutes of news per day, of which twenty eight (28) minutes shall be local news, twenty one (21) minutes provincial news, fourteen (14) minutes national news and seven (7) minutes international news."

The monitoring exercise revealed that Merafong FM does not broadcast news as per their commitment in the News and Information clause on the schedule to the licence. There are no official news readers and the station adopts a very informal way of reading news, where the host of a particular program presents news item without introducing the news slot itself or the major news headlines that will be carried during that slot. The hosts simply interact with the news item in a casual manner and that sums up the news slot at that particular time.

Furthermore, the Licensee does not comply with its percentage breakdown for provincial area, national and international news items in each bulletin. The monitoring exercise found no structured news items especially local news from the coverage area.

The Licensee does not comply with its news and information obligations.

Clause 5.1.3 of the service licence provides the Local Content obligation as follows:

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

The monitoring exercise indicate that the Licensee broadcasts an average of 50% of South African Music Content. This is below the minimum requirement of 60% but being a relatively new station and with scant resources, the effort from the Licensee is commendable. However, this issue will be raised with the Licensee to improve on.

The Licensee does not comply with the South African music content quota.

3.6 Language(s) of broadcast

Clause 5.1.4 of the schedule to the licence provides that the languages of broadcast are as follows:

5.1.4.1 English – 40%;

5.1.4.2 Setswana – 20%;

5.1.4.3 isiXhosa – 20%;

5.1.4.4 Sesotho – 10% and

5.1.4.5 Afrikaans – 10%.

The monitoring exercise found that the principal languages of broadcast are English and Setswana. Furthermore, despite several requests and reminders to the station to submit a programming schedule, they failed to do so. The station also does not submit its monthly log of programs as required by the Compliance Procedure Manual.

The Licensee does not comply with the language of broadcast requirements contained in its licence.

3.7 Notices and Addresses

Clause 7 of the service licence stipulates that:

"The Licensee chooses the following as its principal address"

7.1 Postal Address: P O Box 1075 Carletonville 2499

7.2 Physical Address: 122 Kaolin Street, J&C Centre Office No.5 Carletonville 2499

The Authority is aware that the Licensee has relocated their offices from 122 Kaolin Street, J&C Centre Office No.5 Carletonville 2499, which is the current address reflected on its licence and is now based in 20 Gold Street, Office 1&2 Carletonville Gauteng 2499. The Licensee did not file a notification in accordance with the Standard Terms and Conditions for class licensees despite being informed and reminded by the Broadcasting Compliance Unit on several occasions.

The Licensee does not comply with clause 7 of its service licence.

4. REGULATIONS

4.1 South African Music Content

Regulation 3.3 of the Regulations on South African Music Content as published on 31 January 2006 stipulates 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".

The Authority's monitoring exercise confirmed that the radio station broadcasts 50% of South African music content. Various genres were identified on the station's music line-up including Gospel; House; Afro Jazz; Hip Hop and Kwaito with artists such as IPCC, DJ Euphonik; Kwesta; HHP; Babes Wodumo and many others being played.

The Licensee complies with the South African Music Content Regulations.

4.5. Regulations regarding Standard Terms and Conditions for Class Licences

During the period under review, the Authority became aware that the Licensee moved location and informed the station's management that they must complete a Form L notification, which they did not do by the time of compilation of the report. The Broadcasting Compliance Unit further requested information related to AGM and the station also did not submit these.

The Licensee does not comply with the regulations on Standard Terms and Conditions for Class Licences.

5. CONCLUSION

During the period under review, the Licensee has failed to comply with most of its licence conditions as well as certain Regulations. At the time of completion of this report, the radio station has not indicated why it has failed to comply or what measures are in place to deal with the non-compliance.

Whilst the radio station only recently became stable with a complete broadcasting studio, it doesn't negate the fact that they haven't complied with some of their core obligations such as news, format and language. In their board meeting minutes of 07 November 2015, the station clearly raises the point of the opportunities presented to them by virtue of their location being in the CBD of Carletonville, which will expose them to businesses in the area who will advertise on their platform. Advertising revenue means money that can be invested in the station to improve in its content provision, and this includes quality news from the area, which will draw more listeners to the station and raise the listenership figures and attract more advertising revenue.

The Broadcasting Compliance Unit will take up some of these concerning shortfalls with the station and look for a lasting solution that will also enhance their compliance.

6. TERMS OF REFERENCE

- 6.1 Merafong Class broadcasting service and spectrum licence;
- 6.2 Regulations on South African Music Content; and
- 6.3 Regulations on Standard Terms and Conditions for Class Licences.