



# **MOKOPANE COMMUNITY RADIO ANNUAL COMPLIANCE REPORT**

**MARCH 2018**

## **2016/2017 ANNUAL COMPLIANCE REPORT**

### **MOKOPANE COMMUNITY RADIO 100.0 FM**

**LICENCE PERIOD: 22 OCTOBER 2013 TO 22 OCTOBER 2018**

#### **1. PREFACE**

The Independent Communications Authority of South Africa (the Authority) has a statutory mandate in terms of the Constitution<sup>1</sup>, the Independent Communications Authority of South Africa Act no 13 of 2000<sup>2</sup> (ICASA Act) and the Electronics Communications Act no 36 of 2005<sup>3</sup> (ECA) and the Broadcast Act no 4 of 1999<sup>4</sup> to regulate broadcasting activities in South Africa in the public interest. One of the main tasks of the Authority is to ensure compliance by broadcasters with the terms and conditions of their licence, the three Acts mentioned above and Regulations.

The purpose of the report is to give account of Mokopane Community Radio station's 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 Licence Area, Community Participation, Annual General Meeting (AGM), Local News and Information, Programming, Languages, Broadcast Hours, Promises of Performance, South African Music Content Regulations, Code on People with Disabilities and Regulations on Standard Terms and Conditions.

#### **2. BACKGROUND**

Mokopane FM is a community radio broadcasting to Mokopane and surrounding areas in the Limpopo Province. Its licence to broadcast was renewed by the Authority in 2013. According to the Broadcast Research Council of South Africa (BRC), the listenership figures for the last quarter of the period under review was 29 000.<sup>5</sup>

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<sup>1</sup> The Constitution of the Republic of South Africa Act No 108, 1996

<sup>2</sup> ICASA Act No: 13, 2000 as amended

<sup>3</sup> EC Act No: 36 of 2005

<sup>4</sup> Broadcasting Act No:4 of 1999

<sup>5</sup> <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 licence terms and conditions stipulates that:

*"The Licensee is issued to:*

*1.1 Name of the Entity: Mokopane Community Radio.*

*1.2 Name of the Station: Mokopane Community Radio.*

*1.3 Control of the Licensee: Control shall vest in the Board of Directors of Mokopane Community Radio.*

The Authority confirms that the name of the radio station is still as stipulated in the licence and the control vest with the Board of Directors of Mokopane Community Radio.

#### **3.2 Licence Period**

Clause 2 of the licence stipulates that:

*2.1 The effective date of the Licence is 24 October 2013*

*2.2 The licence shall expire on 23 October 2018*

At the time of writing this report, the licence was up to date. The Authority notes that the Licensee is due for renewal in October 2018.

#### **3.3 Licence Area**

Clause 3 of the licence stipulates that:

*"The Licensee shall provide services to Machikiri, Sekgakgang, Maroteng, Masehlane, Mahwelereng, Potgietersrus, Mosesetjane, Sunsloot, Hospital View, Phola Park, Madiba and Magongwa in the Limpopo Province as set out in the Licensee's radio frequency spectrum licence".*

The Authority confirms that the radio station is still broadcasting in the areas as stipulated in the licence.

**The Licensee complies with clause 3 of its licence.**

### **3.4 Community Participation**

Clause 4.1 of the licence stipulates that:

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

The Licensee confirmed that it provides its services to the community as mentioned above. The Authority also confirms the above as it was identified in the programme recordings submitted by the Licensee.

**The Licensee has complied with clause 4.1 of its licence.**

Clause 4.2 of the licence stipulates 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 on programming and programme-related matters for the selection and provisioning of programmes";*

*"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";*

During the period under review, the Licensee did not hold any meetings with the community regarding programming. The Licensee is fully aware of this clause through the previous compliance induction that the Authority conducted with the last meeting being on 22 November 2015.

**The Licensee did not comply with clause 4.2.1 and 4.2.2 respectively.**

### **3.5 Annual General Meeting (AGM)**

Clause 4.2.3 of the licence stipulates as follows:

*"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 the 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".*

Mokopane FM has not held an AGM since August 2015.

**Background on attempts to convene an AGM:**

The radio station been engulfed with Board and management challenges since 2009. The Authority has been receiving numerous complaints from the community and presenters about the mismanagement of funds by the Station Management and the Board. Amongst the complaints received were the non-payment of presenters of the radio station as well as non-compliance with licence terms and conditions by radio station. Other complaints pertained to the lack of governance by the previous Board as they were accused of using the radio stations funds for their own gain. Amongst the other allegations are that the outgoing Board was taking bribes and using advertisement money of the radio station to renovate their homes and buy expensive cars.

The Authority has been visiting the radio station since 2009 in an effort to assist the radio station in getting its house in order as well as to encourage the board to convene an AGM. The AGM eventually took place in August 2015. However, there has not been any stability at the radio station. The Authority has been inundated with complaints regarding the mismanagement and misconduct of the board.

The dates of the meetings were as follows:

- The first elective AGM was held in March 2012; and
- The second one was held in August 2015.

Subsequent to that, the Authority held more than one meeting with the community of Mokopane Community Radio together with the previous Board(s) of both 2012 and 2015 in order to resolve the above mentioned issues. All those meetings did not produce positive results, after the futility of the meetings mentioned above, new meetings were arranged by the Authority together with the newly elected Interim Steering Committee (ISC) and the meetings dates were as follows:

- The first general meeting was in 28 October 2017;
- The second one was held in 25 November 2017; and
- The last one was now in 27 January 2018.

In the meeting of 28 October 2017, it was then agreed that since the term of office of the previous Board has expired 3 years ago, an ISC be elected in order to run the station till the next elective AGM. Clause 8 of the stations' Constitution stipulates that the *"The board committee shall serve the station for a period of 24 months running from the date they were elected"*.

The ISC was then elected and their mandate was to run the station and to prepare for the elective AGM. They were also told to come up with a date of an elective AGM and also amend the Constitution in order for it to be endorsed at the next AGM. The ISC achieved the mandate as given in the meetings above. They firstly appointed a Station Manager, secondly made recommendations in relation to the amendment of the Constitution and ensured that further meetings were convened on 25 November 2017 and 27 January 2018.

In all the above-mentioned meetings, what was key was to elect a new board. In the meeting of 25 November 2017, a new board was supposed to be elected but unfortunately that did not take place due to the heavy rains that fell at that time, many people did not pitch for the meeting. The community members that managed to come at the meeting despite the rains, instructed the ISC to come up with another date which they did. The new date which the ISC set forth was 27 January 2018.

**The following is what transpired at the AGM held on 27 January 2018:**

The AGM of 27 January 2018 was supposed to be an elective AGM for a new Board since the term of office of the previous Board had expired.

The AGM was supposed to commence at 12h00, eventually the AGM started at 13h30. The community that came was split into two (2) groups that were opposing each other. One was on the side of progress of the radio station, the other group was in support of the previous Board of August 2015 (which from observation of behaviour and attitude wants to remain in power). Prior to the commencement of the AGM, both groups held separate unannounced meetings.

The AGM became chaotic when the former Secretary of the Board stood up and said that the financial statements are not ready because they were not informed to prepare the financial report. He also raised a concern that their names are on the agenda for the AGM but they were not consulted. This was refuted by the Compliance Officer, who informed the community that the former Secretary of the Board was fully aware of the AGM meeting, as the outgoing Board were informed properly. They even informed the Compliance Officer via text message that the reports for the AGM are ready.

Two (2) members of the community who seemed very influential at the meeting and who were part of the opposing group, were siding with the outgoing Board that wants to stay in power. These 2 members raised an objection, in their objection they stated that the financial statements cannot be presented at the AGM because the document was not circulated to the community members on time to enable them to familiarize themselves with its contents so that they can be in a position to ask questions. The response made the first group angrier and they yelled and insisted that the financial statements be produced by the previous Board. They even suggested that money be collected amongst themselves in order to go make copies of the statements that the Secretary had, in order present it.

The Chairperson of the day who is from the ISC pleaded order amongst the crowd and asked that he be given a chance to lead the AGM, the crowd did not co-operate. The AGM was eventually adjourned by the Chairperson of the ISC at 15h30 and most

of the crowd dispersed but the other group that was hailing insults to the Compliance Officer came and confronted the Compliance Officer in an attempt to attack her. Unfortunately, the elective AGM was adjourned because there was no order and ICASA personnel had to be escorted by the police.

**Based on the above, the Authority concludes that the Licensee did not comply with clause 4.2.3 of its licence.**

### **3.6 Programming**

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

#### **Local News and Information**

Clause 5.1.1 of the licence stipulates that:

*"The Licensee shall broadcast a total of 25 minutes of news per day, which shall include community news announcements and news produced by the station on issues affecting its community".*

The Authority's monitoring exercise did not identify any local news on issues affecting its community during the period under review. The community news announcement that were identified were about sports and weather. The radio station plays mostly music, social talks and adverts. The news broadcast were not found in any of the programme recordings submitted for the period under review.

**The Licensee did not comply with clause 5.1.1 of its licence.**

### **3.7 South African Music Content**

Clause 5.1.2 of the licence stipulates that:

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



The Authority's monitoring exercise revealed that the radio station played approximately 70% of South African music content which exceed the quota mentioned above. The radio station plays different genres of music such as Kwaito, traditional music; Gospel, House, R&B, Afro Pop and others.

The following South African Artists were identified amongst others during the period under review: *Mbongeni Ngema* – '*Stimela sami sase Zola*'; *Kabelo AKA Booga love* – '*Pantsula for life*'; *Malaika* – '*2 bob*'; *Busi* – '*Easy to love*'; *King Monada*– '*Skabhora Moreki*'; *Miriam Makeba* – '*Saduba*'; *Winnie Mashaba* – '*Retlagoleboga bjang*'; *Bongo Muffin* – '*Kura une*'; *Zizi Kongo* – '*Come Duze*'; *Brown Dash featuring Mzekezeke* – '*Phansi komthunzi welanga*'; *Muffins* – '*Sound check*'; *Kelly Khumalo* – '*Senne*'; *Ringo Madlingosi* – '*Sondela*'; *HHP* – '*Pop mabhodlela*'; *Kwesta* – '*Ngudu*'; etc.

**The Licensee has complied with clause 5.1.2 of its licence.**

### **3.8 Talk vs Music**

Clause 5.1.3 of the licence stipulates that:

*"The Licensee shall have a programming format of talk (60%) and (40%) music."*

The Authority's monitoring exercise revealed that the Licensee provides a community driven broadcasting service in a talk and music format as required by its licence. The findings on the programmes monitored show that the Licensee has maintained the format of 60% talk and 40% music. Amongst the topics identified were the violent strikes that was taking place in Pretoria. The presenters were against the damage to property and also emphasised that people have a right to strike but they do not have a right to damage government's property. This was also echoed by Deputy President Cyril Ramaphosa.

The other topics identified were:

- *"one has to learn to mind his or her business and pursue his dreams and not worry about what other people are saying".*
- *"Insecurities in marriages and its consequences".*

- *"Gays and Lesbians and Heterosexuals"*
- *"No age limit for education"*
- *"Born free kids lacking respect and moral and what parents can do to assist them"*
- *"Female teenagers attracted to older men (Blessers) for money"*

**The Licensee has complied with clause 5.1.3 of its licence.**

### **3.9 Language(s) of broadcast**

Clause 5.1.4 of the licence stipulates that the languages of broadcast are as follows:

*3.9.1.1 SePedi – 50%*

*3.9.1.2 English – 20%*

*3.9.1.3 isiNdebele – 15%*

*3.9.1.4 Xitsonga – 10%; and*

*3.9.1.5 Afrikaans – 5%*

The Authority's monitoring exercise observed that the radio station broadcasts mostly in SePedi and English respectively. The isiNdebele, Xitsonga and Afrikaans languages were not identified at all in the programmes during the period under review.

**The Licensee did not fully comply with clause 5.1.4 of its licence.**

### **3.10 Broadcast hours**

*"The Licensee shall broadcast for 18 hours a day".*

**The Authority confirms that the Licensee broadcast during the hours specified herein, this was verified through the perusal of the programmes recordings.**

### **3.11 Log sheets**

Clause 5.2 of the licence stipulates that:

*"The Licensee shall keep a log of programmes broadcast which must be submitted on a monthly basis to the Authority. A pro-forma of the log to be kept will be supplied by the Authority".*

The Authority confirms that the Licensee has not been submitting the log sheets as stipulated above.

As mentioned above, the Authority has conducted a compliance induction with the Licensee previously. The Licensee is fully aware of their obligations regarding all licence terms and conditions.

**The Licensee did not comply with clause 5.2 of its licence.**

### **3.12 Contact Details and Addresses**

Clause 6.1 of the licence stipulates:

"The contact person for the Licensee shall be:

- 6.1.1. Name: Mr Hussein Kopole
- 6.1.2. Tel: 015 483 2106
- 6.1.3. Fax: 015 483 2106
- 6.1.4. Cell: N/A
- 6.1.5. Email: [kopoleh@yahoo.com](mailto:kopoleh@yahoo.com)"

Clause 6.2 stipulates that:

*"Should the Licensee propose to replace the person so designated, the Licensee shall notify the Authority in writing within seven (7) days after appointing the new designate person.*

Clause 7.1 of the licence stipulates as follows

"7.1 The Licensee chooses the following as its principal addresses:

7.1.1. *Postal Address:* P.O. Box 4761  
Mokopane  
0600

7.1.2 *Physical Address:* Office No. 5 Soomaya Centre  
19 Nelson Mandela Drive  
Mokopane  
0600

The Authority confirms that the above contact details and address is as stipulated in the licence. This was confirmed during the previous station visit as mentioned above.

**The Licensee has complied with clauses 6 and 7 of the licence.**

### **3.13 Promises of Performance**

8.1 *"The Licensee shall establish and maintain a coordinating body which shall be made up of representatives from the different areas of its community."*

The Licensee does not have a coordinating body that is made up of representatives from different areas of its community.

**The Licensee did not comply with clause 8.1 of its licence.**

8.2 *"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 and health issues."*

The Authority's monitoring exercise identified a programme called "*Health Move - Voortrekker*", the programme is educational. The subject that was discussed under health was '*Retina Plasstomer*' and that kids are likely to get eye cancer which is hereditary. A local Doctor was sharing information in this regard, he also mentioned that chronic ailments like 'sugar diabetes' are likely to be affected as well.

A book by Jack Ramphela called "*The Animal in Technology*", was featured, this is a career guidance book which assist people with career choices.

Skills development were not identified during the period under review.

**The Licensee did not fully comply with clauses 8.1 and 8.2 of the licence.**

#### **4. REGULATIONS**

##### **4.1 Complaints**

The Licensee is required, in terms of the Compliance Procedure Manual Regulations, to submit a Form 12A which reports on all complaints received during the financial year under review.

During the period under review, the Licensee did not submit Form 12A as stipulated in the Compliance Procedure Manual.

**The Licensee has failed to comply with Compliance Procedure manual above.**

##### **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 station visit, the Authority observed that the premises of the radio station is accessible to people that are in a wheel chair. The programming content does not discriminate against people with disability.

**The Licensee has complied with clause 3.1 of the Code on People with Disabilities.**

## **5. CONCLUSION**

The Licensee has not complied with most of the requirements as set out in its licence and must improve in the following clauses:

1. Clause 4.1 – Community participation
2. Clause 4.2.3 – AGM
3. Clause 5.1.1 – Local News and Information
4. Clause 5.1.4 – Languages
5. Clause 5.2 – Log sheets
6. Clause 8.1 and 8.2 – Promises of Performance

**The Authority will continue to endeavour in ensuring that the Licensee comply in full with its licence terms and conditions. Failing which alternative measures will be explored.**

## **6. REFERENCE**

APPENDIX A: Sound broadcasting service licence

APPENDIX B: Regulations on Standard Terms and Conditions for Class Licences

APPENDIX C: Code on People with Disabilities