



RADIO TODAY ANNUAL COMPLIANCE REPORT

MARCH 2018

2016/2017 ANNUAL COMPLIANCE REPORT

RADIO TODAY

Licence Period: 04 October 2013 to 03 October 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 purpose of the report is to give an account of Radio Today's compliance with its licence terms and conditions and relevant regulations 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. The Authority's findings are based on Radio Today's submissions and the active monitoring of the Licensee's programme recordings for 2 weeks ending on Sunday 26 February 2017.

2. BACKGROUND

In October 2013, the Authority renewed a five-year service licence for an entity called Radio Today for the provision of a community sound broadcasting service. The Licensee's mandate is to provide services to the English-speaking citizens over the age of 50 years residing in Johannesburg and the surrounding areas in the 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.

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

Clause 1 of the Licence provides that:

"The Licence is issued to:

- 1.1 Name of Entity: Radio Today;*
- 1.2 Name of the Station: Radio Today; and*
- 1.3 Control of the Licensee: Control shall vest in the Board of Directors of a Section Company known as Radio Today."*

The reports submitted by the Licensee to the Authority confirm that the Licensee still goes by the name Radio Today. Active monitoring of the Licensee's programme recordings also confirmed that the name is still as per the licence. Furthermore, during the period under review the Authority did not receive any communication from the Licensee indicating a change in the control of Radio Today.

The Licensee was found to be in compliance with clause 1 and the sub-clauses of the licence.

3.2 Licence Area

Clause 3 of the licence prescribes as follows:

"The Licensee shall provide services to Johannesburg and surrounding areas in the Gauteng Province as set out in the licensee's radio frequency spectrum licence⁶."

Radio Today's coverage area is still as prescribed in the licence. Further, for the year under review, the Authority received no reports or complaints indicating that the radio station has interfered in areas that are outside its coverage area.

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

3.3 Community

Clause 4.1 of the schedule to the licence gives the following prescription:

⁶ Appendix A: Radio Today's Broadcasting Service License

"The Licensee shall provide services to the English-speaking citizens over the age of 50 years residing within the geographic coverage area specified herein".

Radio Today submits that they provide broadcasting service as prescribed in the licence.

During the year under review, the Authority's monitoring exercise identified that Radio Today's programming profile is indeed targeted at citizens that are over 50 years of age. This was identified through music played by the Licensee and the content of programmes broadcast which mostly dealt with health and lifestyle of senior citizens in the Gauteng Province.

Clause 4.2 of the schedule to the licence 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 programme policies of the station.

During the year under review, Radio Today reports to have held the two required meetings on Saturday 14 May 2016 and on Saturday 29 October 2016 respectively. These meetings both assembled at the Licensee's boardroom in Parktown, Johannesburg.

Upon perusing the minutes⁷ submitted by the Licensee as proof in this regard, the Authority found that programming was indeed part of the agenda on both days and that suggestions were made to increase air time for some programmes. The general meeting that convened later in the year gave feedback on suggestions made at the meetings and approved some of the suggestions made at those meetings.

The Licensee was found to have complied with sub-clause 4.2.1 of the schedule to the licence.

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 Licensee submitted all required proof for meetings convened during the year under review.

⁷ Appendix B: Minutes and attendance registers to the programming meetings

The Licensee complied with sub-clause 4.2.2 of the schedule to its licence.

Clause 4.2.3 prescribes 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".*

The Licensee's AGM⁸ was convened on Saturday 29 October 2016 and it served as the second meeting for programming related matters.

The Licensee was found to be in compliance with clauses 4.2.3 and the sub clauses thereto.

3.4 Programming

Clause 5.1 of the schedule to the licence stipulates that:

"The Licensee shall provide programming as follows:

5.1.1 News and Information: "The Licensee shall broadcast a total of 30 minutes of news per day. This shall include news from the community produced by the station on issues affecting the identified community."

Radio Today submits to carry at least seven (7) full news bulletins, with a duration of ten (10) minutes daily, during the South African Performance Period.

Among the news stories covered for the period under review were excerpts from certain broadcasts, as follows:

- *"Management at the Tshwane University – that's TUT – are currently in a meeting with student leaders and Public Order, following a night of violent protests on the main campus. Police say at least 200 students barricaded roads leading to the Pretoria Campus and set fire at the guard house. It is understood that the students are unhappy about accommodation issues. The Police's, Sally De Beer, say the Public Order Police, persuaded them to negotiate further with TUT management and hand*

⁸ Appendix C: Minutes and attendance register for the AGM.

over a memorandum. No police action was taken, it is calm at the moment and the negotiations are continuing. The campus remains shut for the day due to safety concerns.”;

- "The National Prosecuting Authority – the NPA – has told the South African Human Rights Commission that once the Hate Speech Bill is promulgated it would still be challenging to prosecute social media users who promote hate speech. The Commission is holding a two-day hearing in its Braamfontein Offices on racism and social media. The Nelson Mandela, Ahmed Kathrada and FW De Klerk Foundations will present their views on the matter. The NPA’s Sibongile Mzinyathi says there is a need for unbiased prosecutions when it comes to racism on social media. He says, the proposed Hate Speech and Hate Crimes Bill is needed but will prove difficult for the NPA due to the anonymity of social media users. A concern is that there are so many areas that the Act will criminalise and there is a concern about volumes of work.”;*
- "The Malaysian investigators have arrested a woman in connection with the death of an estranged brother of the North Korean Leader Kim Jong Un. Kim Jong Nam is thought to have been poisoned as he waited to board a flight in the Malaysian Capital, Kuala Lumpur.”; and*
- "The White House is under growing pressure to explain President Trump’s relationship with Russia following the resignation of his National Securities Advisor, Micheal Flynn. Some senior Republicans have joined the Democrats in calling for an inquiry into General Flynn’s contacts with Moscow. President Trump himself is facing questions about why he waited for weeks before ousting General Flynn.”*

The Licensee’s submission indicates that the radio station produces at least seventy (70) minutes of news per day which exceeds their daily quota. However, the Authority’s monitoring exercise could not locate any news bulletin which indicates that the Licensee produces news from the community on issues affecting the identified community, as stated in clause 5.1.1 above. The Licensee’s news output was from BBC News, reporting on international communities.

The Licensee failed to fully comply with clause 5.1.1 of its licence.

5.1.2 Talk vs Music: 35% Talk and 65% Music

The Authority’s monitoring exercise identified that the Licensee’s programming profile is dominated by music. Radio Today plays approximately forty minutes of music, which is

between four and five songs in an average hour. This translates to sixty-six percent (66%) of music played during an hour's programming. In essence, the Licensee's programming format is, at most times, 34% talk and 66% music.

The Licensee was found to be in compliance with clause 5.1.2 of the licence.

5.1.3 South African Music Content: 40%

The Authority's monitoring exercise revealed that the Licensee plays approximately forty-seven percent (47%) South African music. Radio Today's music play list is dominated by unknown South African artists who mostly make their debuts on this platform. The Licensee's commitment in promoting up and coming artists is commendable.

The following local artists were identified as enjoying airplay on Radio Today:

Bye Beneco, Dominic Neill, Stanley June, Dirty Moonshine, Southern Wild, Atom Band, Johnny Clegg and Savuka, Nic Billington, Bouwer Bosch, Garth Taylor, Liquideep, Micasa, Gerald Clark, Cherry Kab, Vernon Barnard, Elvis Blue, Wayne Cumming, Saving Silence, Craig Hinds, Filipa and many others.

The Licensee was found to be in compliance with clause 5.1.3 of the licence.

5.1.4 Languages of broadcast: 5.1.4.1 English – 100%

The Authority's monitoring exercise found that the licensee's language of Broadcast is indeed 100 % English.

The Licensee was found to be in compliance with clause 5.1.4 of the Licence.

Clause 5.2 of the Schedule to the licence requires 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."

It is not always the case that the Licensee submits its programming log sheets on a monthly basis. In an event where the Licensee fails to submit for a certain month, the Licensee would make the submission in the subsequent month.

3.5 Promises of Performance

According to clause 8.1 of the licence:

"The Licensee shall establish a co-ordinating body that includes representatives of Old Age organisations, cultural organisations and individual members from its coverage area in the promotion of entertainment, education and culture."

The Licensee has established this body and endeavours to maintain contact with it through on-air participation and providing them with airtime for certain events. Their input on the Licensee programming profile does indeed offer entertainment, education and culture.

The Licensee has attached a list⁹ of all members of its co-ordinating body and names of their representatives feature on the Licensee's attendance registers for meetings.

The Licensee was found to be in compliance with clause 8.1 of the licence.

Clause 8.2 provides the following prescription:

"35% of the Licensee's talk programmes shall be aimed at education, literacy, health and information. This shall include informal education such as skills development"

In the year under review, the Authority's monitoring revealed that, the Licensee carries very little talk, approximately four hundred (400) minutes of talk programming daily. Almost all programmes identified during the monitoring of the Licensee's programming profile were identified as being aimed at education, literacy, health and information.

The following programmes were identified and all proved to have all the elements of the obligation as stipulated in clause 8.2 above:

- "Grounded" is a programme identified as carrying educational content for the fifty and above age group. This programme is based on nature and everything that it produces. The programme is informative for individuals interested in gardening and farming.
- "Daily Devotion" and "Chief Rabbi's Weekly Message" are both programmes that cater for the spiritual being. These programmes carry religious education for both Christian and Hebrew devotees.
- "Reading Matters" a weekly show that encourages reading thus promoting skills development.

⁹ Appendix D: List of all members of Radio Today's Co-Ordinating body.

The Licensee was found to be in compliance with clause 8.2 of the licence.

While clause 8.3 provide as follows:

"The Licensee shall mentor and train historically disadvantaged individuals in preparation for their careers in broadcasting and sound engineering."

The Licensee has always been a training provider to young up and coming radio presenters. In each year of their existence, the Licensee has always boasted of admitting interns from local and high end universities for training. The Licensee always takes pride in seeing those trained students (interns) going off to their respective universities for graduation.

The following individuals from historically disadvantaged backgrounds received training at Radio Today in the year under review:

- Junior Abueng – trained on Radio Presenting;
- Glenda Masakheni – trained on Radio Presenting;
- Karabo Mapatse – trained on Radio Presenting;
- Nokuthula Dlamini – trained on Radio Production; and
- Thabo Mhlanga – trained on Sound Engineering for Radio.

Radio Today uses its studio facilities to offer on the job training for all of its trainees.

The Licensee was found to be in compliance with clause 8.3 of its licence.

Clause 8.4 of the licence stipulates that:

"The Licensee shall broadcast programmes that relate to all members of its community especially adults over 50 (fifty) years of age."

During the period under review, the monitoring exercise confirmed that the Licensee's programming is indeed produced for a community of adults that are fifty years of age and above. This is evident in the music that is played by the Licensee, the topics that are discussed as well as the advertisement broadcast on Radio Today.

The Licensee was found to be in compliance with clause 8.4 of the licence.

4. REGULATIONS

4.1 Code on People with Disabilities

Clause 3.1 (a) of the Code on People with Disability of 2007 provides as follows:

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

The Authority's observation concludes that the Licensee's services do not discriminate against people with disabilities. The radio station was found to cater for people with disabilities in terms of access to the facilities and in its programming. In addition to that, The Licensee hosts in its co-ordinating body, a number of old age/retirement homes which take care of people with disabilities. The following charity organisations – also catering for people with disabilities – are part of the Licensee's co-ordinating body:

- The Quadriplegic Society of South Africa; and
- The Guide Dog Association of South Africa.

The Licensee was found to be in compliance with the above-mentioned regulation.

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 during each financial year. In the year under review, Radio Today submitted its Form 12A indicating that the Licensee received no complaints.

4.3 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"¹⁰.

The Authority's findings showed that the Licensee complies with the obligation to play 40% South African music. The Authority's monitoring exercise found that Radio Today plays at least 45% South African Music in its programming profile.

The following local artists were identified as enjoying airplay on Radio Today:

Bye Beneco, Dominic Neill, Stanley June, Dirty Moonshine, Southern Wild, Atom Band, Johnny Clegg and Savuka, Nic Billington, Bouwer Bosch, Garth Taylor, Liquideep, Micasa,

¹⁰ Appendix E: Regulations on South African Music Content

Gerald Clark, Cherry Kab, Vernon Barnard, Elvis Blue, Wayne Cumming, Saving Silence, Craig Hinds, Filipa and many others.

The Licensee was found to be in compliance with the Regulations on South African Music Content.

4.4 Regulations regarding Standard Terms and Conditions for Class Licensees

Regulation 2 (1) (d) of the Regulations Regarding Standard Terms and Conditions for Class Licensees¹¹ provides two fundamental regulations that are constantly and continuously used to measure a Licensee's compliance. The two Regulations are Regulation 2(1) and the sub clauses, along with Regulation 9 in its entirety.

In terms of the provisions made by Regulation 2(1) of the Regulations Regarding Standard Terms and Conditions for Class Licensees; Radio Today has had no changes to its Licensee details and information for the year under review.

Furthermore, Radio Today makes it a point that all information required of them is submitted as per given format and by the stipulated deadline. In an event where the Licensee cannot meet the stipulated deadline, they request an extension to submit.

The Licensee was found to be in compliance with Regulations 2(1) and 9 of the Standard Terms and Conditions for Class Licensees.

5. CONCLUSION

Radio Today complied with most of its licence obligations except for clause 5.1.1; which is the obligation to include news *"from the community produced by the station on issues affecting the identified community"* in its news output. The Authority will engage the Licensee and provide guidance as to how the Licensee can fully comply with clause 5.1.1 in future.

6. TERMS OF REFERENCE

Appendix A: Radio Today's Broadcasting Service License;

Appendix B: Minutes and attendance register for programming meetings;

Appendix C: AGM minutes and attendance register;

Appendix D: List of all members (coordinating Body) of Radio Today;

¹¹ Appendix F: Regulations regarding the Standard Terms and Conditions

Appendix E: Regulations on South African Music Content; and
Appendix F: Regulations regarding the Standard Terms and Conditions.