



TAKALANI COMMUNITY RADIO ANNUAL COMPLIANCE REPORT

MARCH 2018

2016/2017 ANNUAL COMPLIANCE REPORT

TAKALANI COMMUNITY RADIO STATION

Licence Period: 21 October 2013 to 20 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.

This report is intended to give account of Takalani 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 October 2013 the Authority renewed a Broadcasting Service Licence belonging to Takalani Community Radio Trust for the operation of Takalani Community Radio. The Licensee continues in its quest to serve the community in its licensed area despite the challenges it faces. Takalani Community Radio serves the community of Aliwal North and Surrounding Areas in the Eastern Cape Province. According to the Broadcast Research Council of South Africa (BRC), the listenership figures for the last quarter for the period under review was 5000.⁵

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 Licence⁶ is issued to:

- 1.1 Name of Entity: Takalani Community Radio Trust;*
- 1.2 Name of the Station: Takalani Community Radio; and*
- 1.3 Control of the Licensee: Control shall vest in the Board of Trustees of a trust known as Takalani Community Radio Trust."*

In the year under review, the Authority did not receive any notice of change from the Licensee indicating a change in any of the above stated obligations. According to the submissions required from the Licensee, the Authority concludes that the Licensee retains its company name and that the control of the Licensee is still vested in the Board of Trustees of the entity. The individuals serving in Takalani Community Radio's Board of Trustees are the follows:

Name of Member	Position in the Board
1. Mr. Zamide James Bottoman	Chairperson
2. Mr. Mfanelo Micheal Titus	Deputy Chairperson
3. Ms Lindiwe Agnes Falasi	Secretary
4. Unalo Eunice Maki	Deputy Secretary
5. Rafiq Surte	Treasurer
6. Agnes Khauhelo Sefali	Additional Member
7. Mtetho Saul	Additional Member
8. Lindelwa Veronica Mbovu	Additional Member (Ex Officio)

The Licensee was found to be in compliance with clauses 1.1, 1.2 and 1.3 of its licence.

3.2 Licence Period

Clause 2 of Takalani Community Radio's Broadcasting Service Licence provides as follows:

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

2.2 "The Licence shall expire on 28 October 2018."

⁶ Appendix A: Takalani Community Radio's Broadcasting Service Licence

Accordingly, Takalani Community Radio's licence is still valid and is due for renewal. The Licensee will be notified of the pending renewal and given guidance when and where necessary.

3.2 Licence Area

In terms of Clause 3 of Takalani Community Radio's Broadcasting Service Licence:

"The Licensee shall provide services to Aliwal North and surrounding areas in the Eastern Cape Province as set out in the licensee's radio frequency spectrum licence."

According to the information received by the Authority; Takalani Community Radio continues to offer broadcasting service to the geographic community residing within Aliwal North and the surrounding areas. Furthermore, for the period under review, the Authority has not received any information indicating that the Licensee has overstepped its broadcasting footprint.

On the basis of the Licensee's report and the Authority's findings, **the Licensee was found to be in compliance with clause 3 of the licence.**

3.3 Community

Clause 4 of Takalani Community Radio's licence makes the following prescription:

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

Takalani Community Radio continues to offer broadcasting service to the geographic community residing within Aliwal North and the surrounding areas.

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

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

The Licensee's submissions prove that Takalani Community Radio did hold the two meetings with its community. The two meetings with the community were held on Thursday 06 April 2016 and Tuesday 10 January 2017 respectively. The minutes for both meetings, submitted by the Licensee, indicate that indeed the meetings were discussing matters that relate to programming.

Takalani Community Radio was found to have complied with clause 4.2.1 of its licence.

Clause 4.2.2 provides as follows:

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

Takalani Community Radio submitted proof⁷ of all meetings that were held in the year ended 2017.

In the year under review, the Licensee complied with clause 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*

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".

Takalani Community Radio Trust held its AGM, for the year under review, on Monday 06 June 2016. This AGM elected a new Board of Directors for Takalani Community Radio. The new board of directors for Takalani Community Radio is as recorded in clause 1 above. The minutes to this AGM are attached, along with the attendance register as Appendix B.

The Licensee was found to be in compliance with clause 4.2.3 of its licence.

3.4 Programming

The Authority needed to monitor a sample of at least 2 weeks from Monday 13 to Sunday 26 February 2017 of the Licensee's programming. The Licensee is required to keep its day

⁷ Appendix B: Proof of all 3 meetings for 2017.

to day programming as per the provisions of Section 53(1) of the ECA and submit programme recordings, as required in terms of Regulation 9 of the Standard Terms and Conditions for Class Licensees.

In a meeting⁸ between the Authority and the Licensee on Tuesday 13 December 2016, Takalani Community Radio explained that their recording equipment is faulty and that the radio station cannot afford all the upgrades that the machines require. The recordings received by the Authority were incomplete in certain instances. The Authority's findings could not be conclusive in all aspects of programming due to these technical challenges.

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

"5.1.1 Local News and Information:

The Licensee shall broadcast a total of 60 minutes of news per day, the bulk of which shall be local news."

The Licensee's programming log sheets indicate that Takalani Community Radio carries at least 53 minutes of news per day during the South African Performance Period.

According to Takalani Community Radio's Programming Log Sheet⁹, the Licensee produces at least 370 minutes of news per week. This would mean, therefore, that the Licensee schedules at least 53 minutes of news per day. The Authority could not monitor the Licensee's news output because some information was missing from the programme recordings.

On the basis that the Licensee admits to scheduling less news than prescribed by the quota; the Authority concludes that Takalani Community Radio failed to comply with clause 5.1.1 of the licence.

Clause "5.1.2 South African Music Content: 40%"

According to the Licensee's programming log sheets, Takalani Community Radio plays at least 78% South African Music content in an average week.

The Authority's findings, based on the information that was available for monitoring, were not too far off from what the Licensee reported on South African Music Content output. The

⁸ Appendix C: December 2016 Post Visit Report

⁹ Appendix D: Takalani Community Radio's Programming Log Sheet

monitoring exercise found that the Licensee plays at least 75% South African Music in its programming profile.

The following music artists were found to enjoy airplay on Takalani Community Radio: *Brenda Fassie, Zola, Chicco Sello Twala, Hip Hop Pantsula, Emtee, Bricks, Tshepo Tshola, Condry Ziqubu, Arthur Mofokate, Mdu Masilela, Mandoza, Proffessor and Heavy K, Dr Malinga, Casper Nyovest, Ringo Madlingozi, Zahara, Veliswa Skeyi, Rebecca Malope, Lusanda Mcinga, Hlengiwe Mhlaba, Malibonge Gcwabe, Lundi Tyamara, Joyous Celebration* and many others.

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

Clause 5.1.3 Talk vs Music:

"60% Talk and 40% Music"

From the little that could be monitored, the Authority found that the Licensee's talk content could very well be approximately 60% talk and 40% music. While a conclusion in this regard could be complete if it were to be measured over an 18-hour performance period. The Authority may conclude in this area of compliance on the basis that it has concluded, albeit from a small sample, on other areas of compliance.

The Authority's calculation found that Takalani Community Radio's programming format is a split of approximately 60% talk and 40% music.

Takalani Community Radio was found to have complied with clause 5.1.1 of the Licence.

Clause 5.1.4 Language(s) of broadcast:

"5.1.4.1 isiXhosa – 35%;

5.1.4.2 Sesotho – 35%;

5.1.4.3 English – 20%; and

5.1.4.4 Afrikaans – 10%."

The Authority's monitoring exercise found that Takalani Community Radio's programming profile features only 3 out of the 4 licensed languages. The Afrikaans language could not be found during monitoring. It may very well be the case that the missing information had programmes in the Afrikaans language, but the missing information could not be monitored.

On the basis that the Authority could not find any programming presented in the Afrikaans language, **the Authority concludes that the Licensee failed to comply with clause 5.1.4 of its 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"¹⁰.

The Authority found that Takalani Community Radio complies with the obligation to play 40% South African music. The Authority's monitoring exercise found that the Licensee plays approximately 75% South African Music in its programming profile.

The following music artists were found to enjoy airplay on Takalani Community Radio: Brenda Fassie, Zola, Chicco Sello Twala, Hip Hop Pantsula, Emtee, Bricks, Tshepo Tshola, Condry Ziqubu, Arthur Mofokate, Mdu Masilela, Mandoza, Proffessor and Heavy K, Dr Malinga, Casper Nyovest, Ringo Madlingozi, Zahara, Veliswa Skeyi, Rebecca Malope, Lusanda Mcinga, Hlengiwe Mhlaba, Malibonge Gcwabe, Lundi Tyamara, Joyous Celebration and many others.

The Licensee was found to be in compliance with the Regulations regarding the 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 during each financial year. In

¹⁰ Appendix E: Regulations on South African Music Content

the year under review, Takalani Community Radio 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 For Persons With Disabilities

Clause 3.1 (a) of the Code for Persons With Disability of 2007 stipulates that:

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

Takalani 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

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; Takalani Community Radio has had no changes to its licence details and information in the year that is currently under review.

In addition to that, the Licensee always submits the information as and when required. In instances where the information will be late, Takalani Community Radio will make a call to the Authority making them aware of the delay.

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

¹¹Appendix F: Regulations regarding the Standard Terms and Conditions

5. CONCLUSION

The Authority has identified two areas of non-compliance from Takalani Community Radio's programming profile. The Authority acknowledges that these areas may be part of the missing information due to the Licensee's faulty studio equipment. It is difficult to believe that after more than a decade of being on air Takalani Community Radio does not schedule news in their programming format. Which then makes it easy to accept that the Licensee's faulty equipment failed it in this regard.

Takalani Community Radio reports, in the minutes of the Licensee's meetings (see Appendix C), that it has been earmarked to receive funding from the Media Diversity and Development Agency (MDDA). The Licensee says that the bulk of the money will be used for new studio equipment. Another comprehensive compliance report will be compiled in the 2019/2020 financial year to determine whether the programme recordings have improved.

The Broadcasting Compliance Unit will however follow up with the Licensee and the MDDA to establish progress made with the procurement of the studio equipment.

6. TERMS OF REFERENCE

Appendix A:	Takalani Community Radio's Broadcasting Service Licence;
Appendix B:	Proof of three meetings held with the community in 2017;
Appendix C:	December 2016 Post Visit Report Proof;
Appendix D:	Takalani Community Radio's General Log Sheets;
Appendix E:	Regulations regarding the South African Music Content; and
Appendix F:	Regulations regarding the Standard Terms and Conditions.