



# **BOK FM ANNUAL COMPLIANCE REPORT**

**MARCH 2019**

## **2017/2018 ANNUAL COMPLIANCE REPORT**

### **PRICELESS HONOR 116 BROADCASTING AS BOK RADIO**

**Licence Period: 29 March 2017 – 28 March 2022**

#### **1. PREFACE**

The Independent Communications Authority of South Africa (the Authority) has a statutory mandate in terms of the Constitution<sup>1</sup>, the ICASA Act<sup>2</sup>, the Electronic Communications Act<sup>3</sup> (ECA) and the Broadcasting Act<sup>4</sup> to regulate broadcasting activities in South Africa in the public interest. One of the main tasks of the Authority, is to monitor compliance by broadcasters with the terms and conditions of their licence, the three Acts mentioned already and any relevant legislation and regulations.

This report is intended to give account of Bok Radio's compliance with the terms and conditions as set out in its licence, for the 2017/2018 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 Content Regulations, Regulations Regarding Standard Terms and Conditions and the Code on People with Disabilities.

#### **2. BACKGROUND**

On 27 March 2017, a renewed class broadcasting service licence was issued to Priceless Honour 116, broadcasting as Bok Radio (Bok Radio). As per the licence, Bok Radio provides services to The Cape Peninsula and surrounding areas in the Western Cape Province, as set out in the Licensee's Radio Frequency Spectrum licence.

#### **3. COMPLIANCE ASSESSMENT**

##### **3.1 Licensee**

Clause 1 of the licence provides that:

*"The Licence<sup>5</sup> is issued to:*

*1.1. Name of entity: Priceless Honor 116*

*1.2. Name of the Station: Bok Radio*

<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> Electronic Communications Act No 36, 2005.

<sup>4</sup> Act No. 4 of 1999.

<sup>5</sup> Annexure A: Bok Radio's Broadcasting Service Licence

*1.3. Control of the Licensee: Control shall vest in the Board of Directors of a non-profit organisation known as Priceless Honor 116."*

No changes regarding clause 1 was submitted to the Authority by the Licensee.

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

### **3.2 Licence Period**

Clause 2 of the licence provides that:

*"2.1 The effective date of the Licence is 29 March 2017.*

*2.2 The Licence shall expire on 28 March 2022."*

The licence is currently up to date. The Licensee shall be reminded of its eligibility to submit a renewal application in accordance with the prescribed regulatory timeframes.

**The Licensee is complaint with clause 2 of its service licence.**

### **3.3 Licence Area**

Clause 3 of the licence provides that:

*"The Licensee shall provide services to the Cape Peninsula and surrounding areas in the Western Cape Province, as set out in the Licensee's radio frequency spectrum licence."*

Bok Radio's coverage area remains as prescribed in the licence terms and conditions. In the year under review, the Authority did not receive any reports or complaints indicating that the radio station has gone beyond its licensed area. The Licensee however has communicated that it has issues broadcasting to certain areas within its coverage area. The Authority will investigate this issue and advise the Licensee accordingly of its options.

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

### **3.4 Community**

Clause 4.1 of the licence provides that:

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

The Licensee confirms that its services are offered to the geographic community residing within its coverage area.

**The Licensee complies with clause 4.1 of its licence.**

Clause 4.2 of the licence provides that:

*"4.2 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 programming policies of the station;*

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

*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."*

The Licensee held a community meeting on 21 June 2017. As per the minutes that were submitted to the Authority, members of the community provided input on the programming of the Licensee. Suggestions were made regarding the broadcast of a children's program as well as involving local schools. Further, input was received regarding the use of voice clips during the news broadcast of the Licensee. The Licensee submitted proof of this meeting to the Authority.

The Licensee held another community meeting on 24 January 2018. As per the minutes, feedback was provided on the previous meeting and the Licensee has since incorporated a segment that focuses on different schools in the community. The Licensee further incorporated the voice clips into its news broadcasts. A request was received from the Brackenfell Police Station requesting a Community Police Forum Program. It was advised

that a program of this nature was approved and would start broadcasting from 28 February 2018. The Licensee submitted proof of the meeting to the Authority.

The Licensee held its Annual General Meeting on 01 October 2017. The meeting was held at the Millennium Mall based in Brackenfell in the Western Cape Province. The agenda, minutes and attendance register thereof were submitted to the Authority.

**The Licensee complies with clause 4.2 of its licence.**

### **3.5 Programming**

Clause 5.1.1 of Bok Radio's licence provides that:

***"Format: 70% Music and 30% Talk."***

The monitoring exercise confirms that the format as broadcast by the Licensee is 70% music and 30% talk.

**The Licensee is compliant with clause 5.1.1 of its licence.**

Clause 5.1.2 of Bok Radio's licence provides that:

***"The Licensee shall broadcast a total of 115 minutes of news per day, of which 42 minutes shall be local news, 31 minutes regional news, 26 minutes national news and 16 minutes international news."***

The monitoring exercise found that the Licensee broadcast less than sixty (60) minutes of news per day. The Licensee broadcasts an average of fourteen (14) full news bulletins on the hour between 05h00 and 18h00. Each bulletin has an average duration of two (2) minutes, thirty (30) seconds. Local news headlines are broadcasted between the hour for an average duration of one (1) minute.

Some of the news that was broadcast include:

- ***"Die regering en Eskom se plan om kontrakte aan te gaan met 27 onafhanklike kragvoorsieners vir die verskaffing van hernu-bare energie vir die nasionale netwerk is voorlopig uitgestel nadat die Metaal Werkers Unie 'n dringend hof bevel van die Hooggeregshof in Pretoria verkry het. Die Energie Ministrie is gedwing om 'n onderneming te gee dat die ooreenkomste nie onderteken sal word voordat die hof later die maand die kwessie oorweeg het nie."***

- *"'n Fonds vir die kinders van die ontslape mynwerkers van Anglo-Platinum het 'n belegging van sowat 385 miljoen rand by WBS Bank wat Sondag onder kuratorskap geplaas is. Die Finansiële Dienste Raad het bevestig dat Bopelo Beneficiary Fund wat verlede jaar in Julie onder kuratorskap geplaas is, in gesprek is met die bank om die geld terug te kry."*
- *"Twee verdagtes is in hegtenis geneem nadat 'n fietsryer Dinsdag op 'n fietsry pad in Fish Hoek aangeval en van sy fiets beroof is. Volgens Netwerk 24, is een van die verdagtes in besit van die gesteelde fiets aangetref, terwyl die tweede verdagte in besit van die slagoffer se selfoon was. Die verdagtes sal môre in die hof verskyn."*
- *"Die vonnis verrigtinge van die voormalige eiendomsagent Vicki Momberg, sal vandag hervat word in die Randburg se landdroshof in Johannesburg. Sy is laas jaar skuldig bevind aan vier aanklagte van crimen inuirlia na haar rastistiese opmerkings teenoor 'n swart polisie beampte nadat sy na bewering in Northriding onder 'n grypdief deurgeloop het."*
- *"Kaapstad se Burgermeester, Patricia de Lille, wil hê die publiek moet toegang hê tot haar dissiplinêre verhoor wat môre begin. Sy sê dit sal die enigste wyse wees waarop sy haar naam in ere kan herstel. Haar party, die Demokratiese Alliansie, kla haar aan ingevolge sy federale grondwet."*

#### **The Licensee is non-compliant with clause 5.1.1 of its licence.**

Clause 5.1.3 of Bok Radio's licence provides that:

*"The Licensee shall broadcast South African music content 50%."*

The Licensee monthly logs indicate that it broadcasts a minimum of 70% (seventy percent) South African music content on average. This exceeds the obligation to broadcast 50% South African music content, as required by its licence.

The following is some of the South African music content found during the period under review:

Christiaan Kritzinger "Mis Jou Meer"; Kaleidoskoop "Die Goeie"; Laurika Ruach "My Ou Tante Koba"; Andriëtte "Jy Vat My Hoog"; Eden "458 Italia"; Juan Boucher "Onthou Jy Om Jonk"; Robbie Wessels ft Bok van Blerk "Die Sluise Van Die Hemel"; Dewald Wasserfall "Gebore Met 'n Stukkende Hart"; Franja du Plessis "Stad Van Verlange"; Die Heuwels

Fantasties "Laaste Rondte"; Fatman "Drop Toe"; Bok van Blerk "Lemoene"; Steve Hofmeyr "Loper".

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

Clause 5.1.4 of Bok Radio's licence states that:

***"Language(s) of broadcast***

***5.1.4.1 80% Afrikaans***

***5.1.4.2 20% English"***

The monitoring exercise found that the languages of broadcast are split in accordance with the licence condition.

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

#### **4. REGULATIONS**

##### **4.1 South African Music Content Regulations**

Regulation 3 of the Regulations on South African Music Content as published on 23 March 2016 provides that:

*"A holder of a community sound broadcasting service licence must ensure that after eighteen months of the gazetting of these regulations, a minimum of 60%, increasing by 10% annually to reach 80% of the musical works broadcast in the performance period, consist of South African music and that such South African music is spread evenly throughout the performance period"*<sup>6</sup>.

The information as submitted by the Licensee indicates that the Licensee plays a minimum of 70% of South African music. The monitoring exercise confirms that the Licensee plays a substantial amount of South African music throughout the performance period.

**The Licensee complies with the Regulations on 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.

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<sup>6</sup> Appendix B: South African Music Content Regulations.

In the year under review, the Licensee submitted the required Form 12A.

**The Licensee is compliant with the Compliance Procedure Manual Regulations as stated above.**

#### **4.3 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<sup>7</sup>.

**The Licensee complies with the Standard Terms and Conditions for Class Broadcasting Service Licensees Regulations.**

#### **4.4 Code on People with Disabilities**

The Code on People with Disabilities require that broadcasting service Licensees ensure that their services are made available and accessible to people with disabilities<sup>8</sup>.

The Licensee collaborated with the Carel du Toit Centre. The centre is where children with hearing impairments learn to speak language through the use of hearing technology, natural learning experiences and parental guidance. The Licensee raised funds for this centre and provided the necessary exposure through its broadcasts.

**The Licensee complies with the Code on People with Disabilities.**

### **5. CONCLUSION**

The Monitoring exercise found the Licensee to be in compliance with all of its obligations, besides one, for the period under review. The area of non-compliance regarding the news will be brought to the attention of the Licensee during a meeting that is scheduled with the Licensee in February 2019. The Authority will continue to monitor the compliance of the Licensee during the next financial year.

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<sup>7</sup> Appendix C: Regulations regarding Standard Terms and Conditions for Class Licensees.

<sup>8</sup> Appendix D: Code for People with Disabilities.



## **6. TERMS OF REFERENCE**

- 6.1** Annexure A: Bok Radio's Class broadcasting service and spectrum licence;
- 6.2** Annexure B: Regulations on South African Music;
- 6.3** Annexure C: Regulations on Standard Terms and Conditions for Class Licences; and
- 6.4** Annexure D: Code on People with Disabilities.