



COSMO FM ANNUAL COMPLIANCE REPORT

MARCH 2019

2017/2018 ANNUAL COMPLIANCE REPORT

COSMO FM

LICENCE PERIOD: 16 May 2016 to 15 May 2021

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 Act to regulate broadcasting activities in the public interest. The Authority has a mandate to ensure compliance by broadcasters with the terms and conditions of the licence, the ECA, the ICASA Act and any other relevant legislation and Regulations.

The purpose of the report is to give account of Cosmo FM's compliance with the terms and conditions as set out in its licence for the 2017/2018 financial year. Aspects of compliance that will be measured comprise Geographic Coverage, Community Participation, Programming, Format, News and Information, Local Content Obligation, Language(s), South African Music Content Regulations, Regulations Regarding Standard Terms and Conditions and the Code on People with Disabilities.

2. BACKGROUND

Cosmo FM is a class broadcasting service Licensee providing services to Cosmo City and surrounding areas in the Johannesburg Metropolitan Municipality as set out in the Licensee's radio frequency spectrum licence. The radio station provides a programming format that is a mix of talk radio and music.

¹ The Constitution of the Republic of South Africa, No 108 of 1996

² ICASA Act No 13 of 2000, as amended

³ Electronic Communications Act No 36 of 2005

3. COMPLIANCE ASSESSMENT

3.1 Control Structure

Clause 1 of the schedule to the licence provides that:

"The Licence is issued to:

1.1 Name of entity: Millennium Youth Project

1.2 Name of Station: Cosmo FM

1.3 Control of the Licensee: Control shall vest in the Board of Directors of a Non-Profit Organisation known as Millennium Youth Project".

There were no changes reported by the Licensee to its company name and control structure during the period under review. The Licensee's name is Cosmo FM as provided in the licence.

The Licensee complies with clauses 1.1, 1.2 and 1.3 of the schedule to its licence.

3.2 Licence Period

Clause 2 of the schedule to the licence provide that:

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

The licence is valid, expires on the 15 May 2021 and the Licensee is operational.

The Licensee complies with clause 2 of the schedule to its licence.

3.3 Licence Area

Clause 3 of the schedule to the licence provides that Cosmo FM's coverage area is as follows:

"The Licensee shall provide services to Cosmo City and surrounding areas situated in the Johannesburg Metropolitan Municipality in Gauteng Province as set out in the Licensee's radio frequency spectrum licence".

The Licensee confirms that it provides a service to Cosmo City and surrounding areas as set out in the Licensee's radio frequency spectrum licence⁴.

The Licensee complies with clause 3 of the schedule to its licence.

3.4 Community

Clause 4.1 of the schedule to the licence provides that:

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

Cosmo FM provides a sound broadcasting service to Cosmo City and its surrounding areas in the Johannesburg Metropolitan Municipality such as Zandspruit, Diepsloot, Kya Sands, Northriding and Sundowner.

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

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 Appendix A: Cosmo FM Compliance forms

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.

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 informed the Authority on Friday, 15 February 2019 that they will forward the minutes and attendance registers of the two listeners forums on Tuesday, 19 February 2019. At the time of writing this report the Licensee had not forwarded the minutes and attendance registers to the Authority.

The Licensee does not comply with sub-clauses 4.2.1 and 4.2.2 of the schedule to the licence.

Further, sub-clause 4.2.3 provides that:

“The Licensee shall hold an Annual General Meeting 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 any Special Annual General Meeting as and when required by the Constitution; 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 also informed the Authority on Friday, 15 February 2019 that the 2018 AGM was postponed to April 2019 and they will advise the Authority on the date it will be held once they get confirmation from the Chairperson of the Board.

The Licensee does not comply with sub-clause 4.2.3 of the schedule to its licence.

3.5 Programming

Clause 5.1 of the schedule to 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 one hundred (100) minutes of news per day. Sixty (60) percent shall be Local news, twenty (20) percent shall be Provincial news, fifteen (15) percent shall be National news and five (5) percent shall be International news.

5.1.2 South African Music Content: 60

5.1.3 Talk vs Music: 60% Talk and 40% Music

5.1.4 Language(s) of broadcast:

5.1.4.1 English – 40%

5.1.4.2 isiZulu – 30%

5.1.4.3 Setswana – 30%"

The Licensee informed the Authority on Friday, 15 February 2019 that the Programs Manager will forward the recordings on Tuesday, 19 February 2019. At the time of writing this report, the Licensee had not forwarded the recordings to the Authority hence no monitoring was conducted by the Authority.

The Licensee does not comply with clause 5.1 of the schedule to its licence.

Clause 5.2 of the schedule to the licence provides 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 Licensee did not submit programme log sheets to the Authority on a monthly basis.

The Licensee does not comply with clause 5.2 of the schedule to its licence.

3.6 Contact Details

Clause 6.1 of the schedule to the licence provides that:

"The contact person for the Licensee shall be"

6.1.1 Name: Ms Nthabiseng Ditshego

6.1.2 Tel: (011) 875 2239

6.1.3 Fax: N/A

6.1.4 Cell: 081 071 8212

6.1.5 Email: nthabi@cosmofm.co.za

There were no changes reported by the Licensee to its contact details during the period under review.

The Licensee complies with clause 6.1 of the schedule to its licence.

Clause 6.2 of the schedule to the licence provides 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".

There were no changes reported by the Licensee to its designated contact person during the period under review.

The Licensee complies with clause 6.2 of the schedule to its licence.

3.7 Notices and Addresses

Clause 7.1 of the schedule to the licence provides that:

"The Licensee chooses the following as its principal addresses:

7.1.1 Postal Address: 62a Sekukune Street

Zone 2

Meadowlands

1852

7.1.2 Physical Address: Cosmo City Multi-Purpose Centre

Cnr South Africa & Angola

Cosmo City

2189

There were no changes reported by the Licensee to its principal addresses during the period under review.

The Licensee complies with clause 7 of the schedule to its 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.

The Licensee submitted a Form 12A⁵ (Complaints Report) as required by the Compliance Procedure Manual Regulations and there were no complaints.

⁵ Appendix A: Cosmo FM compliance forms

The Licensee complies with the relevant clause of the Compliance Procedure Manual Regulations.

4.2 ICASA Regulations on South African Music

The Regulations on South African Content as published on 26 March 2016 provide that:

"A holder of a community sound broadcasting service licence must ensure that after eighteen (18) months from the date of gazetting of these regulations, a minimum of 60%, increasing by 10% to reach 80% of the musical works broadcast in the performance period, consist of South African and that such South African is spread evenly throughout the performance period".

The Licensee did not submit recordings to the Authority so it was not possible to assess the Licensee's performance with regards to this regulatory requirement.

The Licensee does not comply with the ICASA Regulations on South African Music.

4.3 Regulations Regarding Standard Terms and Conditions for Class Broadcasting Licences

The Licensee did not adhere to the Standard Terms and Conditions for class licences as it failed to submit required information by the Authority.

4.4 Regulations on the Code on People with Disabilities

Clause 3.1 (a) of the Code on People with Disabilities as pushed in the *Government Gazette* No 30441, 7 November 2007, states that:

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

The Licensee did not submit compliance report with regard to the code for persons with disabilities.

The Licensee does not comply with the Code on People with Disabilities.

5. CONCLUSION

The Licensee was repeatedly notified about the required compliance submissions. As of 19 February 2019 the outstanding submissions were not sent to the Authority.

The Licensee is non-compliant with most of its licence terms and conditions as well as the requirements of the ICASA Regulations on South African Music, Regulations on the Standard Terms and Conditions for Class Licensees and Regulations on the Code for Persons with Disabilities.

The Compliance and Consumer Affairs Division will advise the Licensee of its non-compliances and endeavour to assist the Licensee to comply. However, should the Licensee not improve its performance it will be advised of the Authority's intention to lodge a complaint with Complaints and Compliance Committee (CCC) and provided with the opportunity to respond to the non-compliance findings.

6. TERMS OF REFERENCE

1 Appendix A: Cosmo FM Compliance Submission

2 Appendix B: Cosmo FM Service Licence