



HOT 91.9 FM ANNUAL COMPLIANCE REPORT

MARCH 2019

2017/2018 ANNUAL COMPLIANCE REPORT

GAUTENG MEDIA DEVELOPMENT PROJECT NPC BROADCASTING AS HOT 91.9 FM

Licence Period: 03 August 2014 – 02 August 2019

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. 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 Hot 91.9 FM'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 03 Augustus 2014, a renewed class broadcasting service licence was issued to Gauteng Media Development Project NPC, broadcasting as Hot 91.9 FM (Hot 91.9 FM). As per the licence, Hot 91.9 FM provides services to Randburg and surrounding areas, as set out in the Licensee's Radio Frequency Spectrum licence.

3. COMPLIANCE ASSESSMENT

3.1. Licensee

Clause 1 of the licence provides that:

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

² ICASA Act No 13, 2000 as amended.

³ Electronic Communications Act No 36, 2005.

⁴ Act No. 4 of 1999.

"The Licence⁵ is issued to:

1.1. Name of entity: Gauteng Media Development Project NPC

1.2. Name of the Station: Hot 91.9 FM

1.3. Control of the Licensee: Control shall vest in the Board of Directors of Hot 91.9 FM."

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 03 August 2014.

2.2 The Licence shall expire on 02 August 2019."

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

The Licensee is compliant with clause 2 of its service licence.

3.3. Licence Area

Clause 3 of the licence provides that:

"The Licensee shall provide services to Randburg and surrounding areas, as set out in the Licensee's radio frequency spectrum licence."

Hot 91.9 FM'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 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."

⁵ Annexure A: Hot 91.9 FM's Broadcasting Service Licence

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 did not hold any meetings with its community. The Licensee submitted that it conducts research through an independent research house. This research, however, is to establish listener behaviour. Although the Licensee has several social media platforms, through which its audience can participate in programming and express their views no meetings in the traditional sense were held.

The Licensee held an AGM on the 4th of August 2017. The AGM was held at Fancourt Office Park, Northriding. As per the minutes of the AGM, feedback was provided regarding the operational and financial performance of the Licensee. Proof of this meeting was submitted to the Authority.

The Licensee partially complies with clause 4.2 of its licence.

3.5. Programming

Clause 5.1.1 of the licence provides that:

"Local News and Information: The Licensee shall broadcast a total of thirty-two (32) minutes of news per day of which 30% will be local, 30% national and 40% international news."

The monitoring exercise found that the Licensee broadcast a total of thirteen (13) news bulletins on weekdays between the period 06h00 to 18h00. The average duration of news bulletins as broadcast by the Licensee is two (2) minutes and thirty (30) seconds.

During the weekend, the news broadcast by the Licensee does not meet the thirty-two (32) minutes requirement, with news averaging fifteen (15) minutes during the weekend.

Some news inserts covered by the Licensee include:

- *"The Tshawane Metro has confirmed a planned minibus taxi strike for this week, starting today. The Pretoria East Record reports that the mayoral spokesperson said that the metro is fully aware of the planned demonstration. The strike was organised by taxi drivers in Pretoria. Information online indicates that taxi drivers are anticipated to embark on strike action in several areas in Pretoria from the 18th to the 22nd of September regarding grievances of traffic fines. "*
- *"The Gauteng Department of education has said it condemns the assault on a pupil at the Adelaide School for the Disabled in Soweto, allegedly at the hands of a food handler. ENCA reports that another pupil captured the assault on the sixteen-year-old girl who was subsequently forced off a bus and left in the middle of nowhere. Department spokesperson, Steve Mabona, has said that the food handler was suspended and was out on bail after a criminal case was opened."*
- *"The South African National Civic Organisation (SANCO) has called on government and business to blacklist KPMG for unethical behaviour. The call, according to eNCA, follows the resignation of a number of KPMG senior executives and withdrawal of its findings on the SARS report into the so-called rogue unit."*
- *"The City of Johannesburg has partnered with Deaf SA to commemorate National Week of the Deaf with the focus of full inclusion of sign language in people's daily lives. MMC for Health and Social Development, Dr Mpho Phalatse, tells the Randburg*

Sun that the main objective of the campaign is to ensure that as many frontline officials as possible are educated and understand the basics of sign language."

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

Clause 5.1.2 of the licence provides that:

"South African Music Content: 40%"

The Licensee's monthly logs indicate that it broadcasts a minimum of fifty-four (54%) percent South African music content on average. This exceeds the obligation to broadcast 40% 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:

Danny K "You Don't Know My Name"; Parlotones - "Colourful"; Garth Taylor - "Why"; Jimmy Nevis ft Sketchy Bongo - "Ballin", NKD - "What I Believe"; Jody- Williams "Love Is All Around"; Desmond and the Tutus - "Lazy"; Daniel Baron - "Paint My Blue Sky"; Seven - "Fight For Love"; Mi Casa - "La Vida"; Mango Groove - "Moments Away", Craig Lucas - "I Said This"; Niemand - "Frankenstein".

The Licensee is compliant with clause 5.1.2 of its licence.

Clause 5.1.3 of the licence states that:

"Talk vs. Music: 30% Talk and 70% Music."

The monitoring exercise confirmed that the Licensee's format is 30% Talk and 70% Music and that the language of broadcast is 100% English.

The Licensee is compliant with clause 5.1.3 of its licence.

Clause 5.1.4 of the licence states that:

"Language(s) of broadcast: English – 100%"

The monitoring exercise confirms that the language of broadcast of the Licensee is 100% English.

The Licensee is compliant with clause 5.1.4 of its licence.

Clause 5.2 of 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 submits its monthly logs within the prescribed timeframes.

The Licensee is compliant with clause 5.2 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"⁶.

During the period under review, the South African Music Content Regulations required that a holder of a community sound broadcasting service licence to broadcast a minimum of sixty (60) percent South African Music Content. The Licensee broadcast an average of fifty-four (54%) percent, thus failing to reach the sixty (60%) percent requirement.

The Licensee is non-compliant with the Regulations on South African Music Content.

⁶ Appendix B: South African Music Content Regulations.

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, the Licensee submitted the required Form 12A. The complaints received were resolved within twenty-four (24) hours and no complaints were escalated to appropriate forums outside of the Licensee.

The Licensee is compliant with the Compliance Procedure Manual 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 Licences⁷.

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

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 disabilities⁸.

During a visit to the premises of the Licensee it was confirmed that its studios are accessible for people with disabilities. Further, the Licensee regularly assists individuals living with disabilities within its community. This is done through the Hot Cares platform of the Licensee. The Licensee created awareness for the cerebral palsy disease on air as well as making several donations to people living with this disease. Further the Licensee assisted the Linx Remedial School for Children with disabilities with a donation.

The Licensee complies with the Code for People with Disabilities.

⁷ Appendix C: Regulations regarding Standard Terms and Conditions for Class Licensees.

⁸ Appendix D: Code for People with Disabilities.

5. CONCLUSION

The monitoring exercise confirms that Hot 91.9 FM complies with most of the obligations placed on it by the licence and relevant regulations. CCA met with Hot 91.9 FM where the issues of non-compliance were discussed. The Licensee showed a willingness to address these issues. The Authority will continue to monitor the compliance of the Licensee, especially in regard to the Licensee's attempt to remedy the non-compliance that has been set out in this report.

6. TERMS OF REFERENCE

- 6.1. Annexure A:** Hot 91.9 FM'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 for People with Disabilities.