



LINK FM ANNUAL COMPLIANCE REPORT

MARCH 2019

2017/2018 ANNUAL COMPLIANCE REPORT

LINK FM

Licence Period: 24 October 2013 to 25 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 this report is to give account of Link 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, the Regulations Regarding Standard Terms and Conditions and Code on People with Disabilities.

2. BACKGROUND

Link FM is a Class Sound Broadcasting Service Licensee. The radio station's mandate is to provide a sound broadcasting service to the geographic coverage area of East London, Komgha, Mdantsane and the immediate surrounding towns in the Eastern Cape Province as set out in the Licensee's radio frequency spectrum licence

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

3. COMPLIANCE ASSESSMENT

3.1 Licensee

Clause 1 of Link FM's service licence provides that:

"The Licence⁵ is issued to: Link FM Trust

1.1 Name of Entity: Link FM Trust

1.2 Name of Station: Link FM

1.3 Control of the Licensee: Control shall vest in the Board of Trustees of a Trust known as Link FM Trust".

There were no reported changes to the controlling structure of the entity or the company name thereof.

Link FM complied with Clause 1.1, 1.2 and 1.3 of the licence.

3.2 Licence Area

Clause 3 of Link FM's licence provides as follows:

"The Licensee shall provide services to East London (Buffalo), Komgha, Mdantsane and the immediate surrounding towns in Eastern Cape as set out in the Licensee's radio frequency spectrum licence⁶."

Link FM submits that their coverage area is still as prescribed in the licence document.

In 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.

⁵ Appendix A: Link FM's Broadcasting Service Licence

⁶ Appendix B: Link FM's Radio Frequency Spectrum Licence

The Licensee complied with clause 3 of the licence.

3.3 Community

Clause 4.1 of the licence gives the following obligation to Link FM:

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

The Licensee's entire programming profile is indicative of Link FM's compliance with this clause. The whole programme offering, including the choice of music played during shows echoed the Licensee's commitment to serving the Christian Community residing in its licence area. Almost all aspects of programming Link FM made reference to the Licensee's core business which is serving a community of Christians.

Link FM complied with clause 4.1 of the 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:

4.2.1 The Licensee shall hold at least two (2) general meetings annually with its community through its Listeners and Presenters Forums on programming and programme-related matters for the selection and provision of programmes.

During the year under review, Link FM reports to have given platform for the two general meetings, prescribed by this clause, when they met with the communities of East London and Scenery Park on programming and programme-related matters. These meetings were convened on Monday 09 October 2017 and Wednesday 28 February 2018 respectively.

Link FM further submits that, apart from the fact that the purpose of these meetings were to engage the community on their preferences in terms of programme content, these meetings served a great deal in allowing the community members to testify of the work done by Link FM in their lives both naturally and spiritually.

Link FM 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."

Link FM submitted proof⁷ of all meetings held with its community. This was received in the form of Minutes of Meetings, Attendance Registers and written testimonies from the members regarding the effectiveness the Licensee's programming profile.

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

According to the Licensee's submission, Link FM convened its Annual General Meeting for 2017/2018 on Tuesday 10 October 2017. The minutes⁸ of the AGM testify that the agenda items were as prescribed by clause 4.2.3.

Link FM complied with the provisions of clause 4.2.3 of its licence.

⁷ Appendix C: Proof of Meetings by Link FM with the Communities

⁸ Appendix D: Minutes and Attendance Register of Link FM's 2017 AGM

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 forty (40) minutes of news per day, of which six (6) minutes of news produced by the radio station is on issues affecting the identified community, eighteen (18) of national news and sixteen (16) minutes international news."*

According to the Licensee's Programming Log Sheets⁹, Link FM schedules at least 200 minutes of news programming per week. The Licensee's submission indicate that Link FM schedules an average of 28 minutes of news per day.

The Authority's monitoring exercise found that Link FM schedules at least 8 full news bulletins during week days and each last for about 5 minutes. Link FM does not schedule any news bulletins over the weekend. In total, the Licensee schedules approximately 200 minutes of news programming per week which then averages out to about 28 minutes of news per day (Monday to Friday).

The observation is that, the Licensee sticks to the 40 minutes of news obligation during weekdays but fails to comply with the weekend obligation.

Another aspect of compliance with clause 5.1.1 is the provision of at least "6 minutes of news affecting the identified community". The bulk of Link FM's news output was found to be on news affecting the nation as whole and nothing in relation to the community in the coverage area (East London). The argument is that, if the Licensee finds it important to report on a story of rescued red pandas in Perth, a news item of international interest, then there is nothing stopping the Licensee from reporting on the plight of animals in the East London Zoo.

The following News extracts were found during monitoring:

⁹ Appendix E: Link FM's Programming Log Sheets (sample)

- *"Eskom has now confirmed that 5 officials facing serious allegations have left the power utility. President Jacob Zuma and Deputy President Cyril Ramaphosa met with ministers Lynn Brown and Melusi Gigaba to discuss some of the serious issues that Eskom is facing. The government has already appointed a new 13-member board and acting CEO last weekend and ordered Eskom to remove anyone who is facing serious allegations. Suspended CFO, Anoj Singh, Prish Govender and Edwin Mabelane resigned.*
- *Former Public Protector, Thuli Madonsela, whose investigation into State Capture led to the establishment of the Zondo Commission, says its terms of reference are too broad and that it will take a lifetime for one commission to probe all government corruption. But Madonsela has faith that Deputy Chief Justice, Raymond Zondo, who heads up the commission will determine the purpose thereof and align it with the probe into the Guptas and President Jacob Zuma. Zuma released the terms of reference for the Zondo Commission last Thursday. Most of the topics for investigation concern Zuma and his family friends the Guptas, but two sections speak to all corruption in awarding the tenders by State Owned Enterprises and government departments.*
- *The decrease of poaching rates in the Kruger National Park has been marred by increases in other provinces, coupled with a sharp rise in elephant poaching. Environmental Affairs Minister, Edwin Molewa, says a total of 1028 rhinos were poached in South Africa, from the 1st of January to the 31st of December 2017 compared to 1054 in the same period for 2016 presenting a decrease of 26 animals. At the Kruger National Park which has traditionally bore the brunt of poaching, a total of 504 rhinos were poached in 2017. This is 24% less than 2016. Fewer poaching activities in the Park were also recorded, with the total of 2662 incidents reported in 2017 compared to 2883 in 2016.*
- *The Perth Zoo's 2-month-old Panda cub has passed its first health check-up with flying colours. The good news unfortunately coincided with the rescue of 6 red pandas bound for the illegal wildlife trade. The animals were seized from traffickers on the borders of China. Only 3 of the rescued red*

pandas survived due to the severe stress and potential exposure to disease."

Link FM failed to comply with clause 5.1.1 of its licence.

5.1.3 *Talk vs Music:* 30% and 70% music.

Link FM submits that their programming format is as per the prescripts made in the licence in this regard.

In the year under review, the Authority's monitoring exercise found that Link FM plays mostly music. The Licensee's talk programming is only attributed to at least 20 minutes in every hour and on shows where there is a lot of talking involved, the Licensee makes up for it with shows that are only for counting down the Country's gospel music bests. While the monitoring exercise found that some days are better than others in terms of the Licensee's compliance with this clause; but in the main the Licensee takes reasonable steps in its attempts to comply with this clause.

In the main, Link FM complies with clause 5.1.3 of the licence.

5.1.4 *Language(s) of broadcast:*

5.1.4.1 *English – 50%;*

5.1.4.2 *IsiXhosa – 40%; and*

5.1.4.3 *Afrikaans – 10%.*

In their provision of all programming, Link FM is expected to observe obligations given by this clause. During the period under review, the Authority's monitoring exercise revealed that the radio station's language split is a fair balance of the licensed languages as close as possible to the percentage split prescribed by the licence. News in isiXhosa were also detected during monitoring. However, the Authority could not locate any news in the Afrikaans language.

This find is a contrast to the Authority's last report where on the Licensee had failed to cater for the Afrikaans language completely. The Authority notes in this

reporting the efforts made by the Licensee to improve on the last reported faults and its attempts to comply with the licence conditions.

However, the Authority notes the Licensee's failure to schedule news in the Afrikaans language. While applauding the attempts to provide service in the language, the expectation is that all licensed languages would be featured during broadcasts and in the overall programming schedule including a provision of news.

On the basis that the Licensee failed to provide news in the Afrikaans language, **the Authority concludes that Link FM failed to comply with clause 5.1.4 of the licence.**

Clause 5.2 of Link FM's licence provides as follows:

"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."

Link FM is a perfect example of a Licensee that is disciplined in its operations where the submission of Programming Log Sheets. The Licensee submits all required logs as prescribed by the Compliance Procedure Manual regulations.

Link FM complies with clause 5.2 of the licence.

3.5 Promise of Performance

Clause 8 of Link FM's service licence list the following promise of performance for the Licensee:

8.1 "60% of the Licensee's talk content shall be aimed at education, promotion of religion, literacy and information. This shall include educational programmes such as skills development."

In the year under review, the monitoring exercise carried out by the Authority on Link FM's programming profile found that, approximately 80% of the Licensee's talk content is indeed aimed at the promotion of religion, religious education,

literacy and information. All talk content on the Licensee's programming profile carried elements of education with a basis on Christian religion. All programmes were found to be informative and did promote literacy. This was measured by the presenter's reference to Bible scriptures and where they would encourage the listener to go and read the scripture mentioned.

Furthermore, Link FM has always served a tool for the training of students from tertiary institutions around its coverage area. According to Link FM's reports, these students are trained in all facets of radio broadcasting, news gathering, on air presenting styles, news reading, conducting interviews and training on technical matters.

The Licensee complied with clause 8.1 of the licence.

Clause 8.2 *"The Licensee shall broadcast programmes related to children, youth, the elderly and the disabled."*

The Authority's monitoring exercise found that Link FM's overall programming profile does not discriminate against any of the groups of people that are listed by this clause. The content monitored was observed as embracing all age groups.

Link FM complied with clause 8.2 of its licence document.

Clause 8.3 *"The Licensee shall establish and maintain a Listener's club to encourage participation in the programme selection of the station."*

Link FM has an established Listener's Club and engages this forum twice a year as prescribed by clause 4 of the licence. The Licensee submitted proof of those meetings with the Listener's Club.

Link FM complied with clause 8.3 of its licence.

Clause 8.4 *"The Licensee shall establish and maintain a co-ordinating body that consists of organisations and individual members from its coverage area in the promotion of its aims and objectives"*.

Link FM submitted a list containing more than 400 names of individuals and organisations who are currently serving as the Licensee's co-ordinating body. These organisations and individuals are invited to the entity's Annual General Meetings, to nominate and vote for members to serve in the radio station's board of trustees. The same co-ordinating body also forms part of the two meetings that discuss programming and programme related matters every year.

Furthermore, the Authority's monitoring exercise identified announcements where Link FM was inviting the members of the coordinating body to a meeting with the Licensee.

Link FM complied with clause 8.4 of the schedule to the licence.

Clause 8.5 *"The Licensee shall hold meetings with townships, villages and outlying rural communities in its coverage area to encourage further community participation in the activities of the station"*.

Compliance with this clause is not measured on a particular time frame, for instance, annually or quarterly. Previous years of reporting have always applauded the Licensee for reaching out to its rural communities. In the year under review, the Licensee met with its listeners in townships of Scenery Park and Down Town East London. The Authority's previous report told of the Licensee's visit to Tsholomqa and Kwelerha which are both rural communities within the Licensee's area of coverage.

The Licensee complied with clause 8.4 of the licence

4. REGULATIONS

4.1 Code on People with Disabilities

Clause 3.1(a) of the Code for 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 general observation concludes that Link FM's services do not discriminate against people with disabilities. Content found during monitoring gave no evidence that the production of the said programmes was set out to discriminate against people with disabilities. The Licensee's premises are also accessible to people with disabilities.

The Licensee complies 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 12A¹⁰ which reports on all complaints received in the course of each financial year. In the year that is currently under review, Link FM submitted its Form 12As indicating that the Licensee received no complaints.

The Licensee complies with the above-mentioned regulation.

4.3 ICASA South African Music Content Regulations

Regulation 3 of the ICASA South African Music Content Regulations 2016¹¹ stipulates that:

"A holder of a community sound broadcasting service licence must ensure that after eighteen (18) months from the date of gazetting of these regulation, a minimum of 60%, increasing by 10% annually to reach 80% of the musical works

¹⁰ Appendix F: Link FM's Complaints Report

¹¹ Appendix G: ICASA South African Music Content Regulations

broadcast in the performance period, consist of South African music and that such South African music is spread evenly throughout the performance period.”

Link FM’s monthly log sheets indicate that the Licensee schedules approximately 45% South Africa Music Content in its programming.

The Authority’s monitoring exercise found that the Licensee plays at least 50% South African music in its overall profile. This means therefore that the Licensee falls short on its regulated South African Music content output. The Authority could have understood the failure if the content monitored was for a period before September 2017 as the regulations were not yet effective at that time. However, the programme recordings that were monitored fall in a time frame where on the effect of the 2016 ICASA South African Music Content Regulations was already in place.

The following local artists were identified as enjoying airplay on Link FM:
Bethusile Mcinga, Sgwili, Dr Tumi, Juanita du Plessis, Retief Burger, Sfiso Ncwane, Khanyisa Nkantsu, Tholakele, Pastor Benjamin Dube, David Jooste, Joe Niemand, Andile Majola, Hlengiwe Mhlaba, Lebo Sekgobela, Thabo Mdluli, Mthunzi Namba, Mari Michael, Malibongwe Gcwabe, Veliswa Skeyi and others.

On the basis that the Licensee’s music schedule fell short of the regulated output, the Authority concludes that Link FM failed to comply with the ICASA South African Music Content Regulations.

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 Licensees¹² 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.

¹² Appendix H: Regulations regarding the Standard Terms and Conditions

In terms of the provisions made by Regulation 2 (1) of the Regulations Regarding Standard Terms and Conditions for Class Licensees; Link FM would always inform the Authority of any changes to its contact information.

The Licensee is a model of compliance with the provisions of this regulation 9 in that all required information would be submitted by Link FM in the prescribed format and by the given date.

Link FM complied with the regulations regarding the Standard Terms and Conditions for Class Licenses.

5. CONCLUSION

This year's reporting has found areas where on the Licensee has made attempts to correct the faults reported by the Authority's last report on its compliance. However, the Authority has found that there are new areas of non-compliance which need to be addressed with the Licensee. While improvement was seen in terms of the Licensee's catering for all licensed languages, there Licensee still failed to schedule Afrikaans news in its programming.

The Licensee's failure to comply with the ICASA South African Music Regulations could be attributed to oversight but that also needs to be addressed with the Licensee.

With the publication of this report, the Licensee will be made aware of the areas where it failed to meet its obligations. The Authority will continue to monitor the compliance of the Licensee during the next financial year.

6. TERMS OF REFERENCE

Appendix A: Link FM's Broadcasting Service Licence

Appendix B: Link FM's Radio Frequency Spectrum Licence

Appendix C: Proof of Meetings by Link FM with the Communities

Appendix D: Minutes and Attendance Register of Link FM's 2017 AGM

Appendix E: Link FM's Programming Log Sheets (sample)

Appendix F: Link FM's Complaints Report

Appendix G: Regulations on South African Music Content

Appendix H: Regulations regarding the Standard Terms and Conditions