



# **LICHVAAL STEREO ANNUAL COMPLIANCE REPORT**

**MARCH 2019**

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

### **LICHTENBURG COMMUNITY RADIO BROADCASTING AS LICHVAAL STEREO**

**Licence Period: 26 November 2018 – 25 November 2023**

#### **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> and 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 Lichtenburg Community Radio 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 and Regulations Regarding Standard Terms and Conditions.

#### **2. BACKGROUND**

On 09 July 2018, a renewed class broadcasting service licence was issued to Lichtenburg Community Radio, broadcasting as Lichvaal Stereo (Lichvaal Stereo). As per the licence, Lichvaal Stereo provides services to Lichtenburg, Sannieshof, Ottosdal, Gerdau, Biesiesvlei and surrounding areas in the North West 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:

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<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.

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

- 1.1. Name of entity: Lichtenburg Community Radio;*
- 1.2. Name of the Station: Lichvaal Stereo; and*
- 1.3. Control of the Licensee: Control shall vest in the Board of Directors of a section 21 company known as Lichtenburg Community Radio."*

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 26 November 2018.*

*2.2 The Licence shall expire on 25 November 2023."*

The Licensee submitted a renewal application within the prescribed period and was granted a renewed class broadcasting service licence on the 9<sup>th</sup> of July 2018. The renewed licence will be effective until 25 November 2023, at which time the Licensee will be reminded to submit a renewal.

**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 Lichtenburg, Sannieshof, Ottosdal, Gerdau, Biesiesvlei and surrounding areas in the North West Province as set out in the Licensee's radio frequency spectrum licence."*

Lichvaal Stereo'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.**

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<sup>5</sup> Annexure A: Lichvaal Stereo's Broadcasting Service Licence

### **3.4 Community**

Clause 4.1 of the licence provides that:

*"4.1 The Licensee shall provide services to an Afrikaans-speaking community of interest residing within the geographic coverage area specified herein."*

The monitoring exercise confirms that the Licensee's broadcasting services cater to an Afrikaans-speaking community.

**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 has held two community meetings. The first was held on the 27<sup>th</sup> of January 2018 and the second was held on the 5<sup>th</sup> of October 2018. The Licensee held its Annual General Meeting on the 25<sup>th</sup> of August 2018.

The Licensee submitted the necessary evidentiary documentation to the Authority. This includes the agenda, attendance register and minutes of the above-mentioned meetings.

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

### **3.5 Programming**

Clause 5.1 of the licence provides that:

**"5.1.1 Local News and Information:** *The Licensee shall broadcast a total of 135 mins of news per day, 60% of which shall be news from the community, produced by the station on issues affecting the community."*

The Authority found, during its monitoring exercise that, the Licensee does not meet its obligation to broadcast 135 minutes of news per day. The monitoring exercise detected that the average news broadcast on weekdays is approximately forty-five (45) minutes in duration. News is broadcast in the morning starting at 06h30, the last news bulletin being broadcast at 18h00.

The average news broadcast on weekends is nine (9) minutes in duration. No news broadcast was found on Sundays.

Further, the Licensee monthly log sheets indicated that on average seventy (70) percent of the news originates from sources other than itself. As such, the Licensee does not meet the requirement to have 60% of its news, produced by the station, covering issues affecting the community.

Some news inserts covered by the Licensee include:

- *"Die uitvoerende hoof van AgriSA, Omri van Zyl, sê hulle is bemoedig deur die polisie se Fikile Mbalula se verbintenis tot die stryd teen misdaad in landelike gebiede. Dit volg na 'n vergadering gister tussen Mbalula en AgriSA. Die partye het ooreengekom dat 'n plan van aksie binne twee weke ontwikkel sal word om polisie sigbaarheid te verbeter en beter toegang tot die polisie vir boere en plaaswerkers te verseker."*
- *"Ontleders meen dat die Suid-Afrika se water probleem is grootliks te wyte aan die ongekordineerde bestuur en gebrek aan politieke wil. 'n Ekonoom by Nedbank sê anders as elektrisiteit wat landwyd deur Eskom bestuur word, is daar nie 'n soortgelyke instansie vir water nie. Hy het in Kaapstad gesê daar is min integrasie tussen die verskillende vlakke van die watervoorsienings instellings."*

- *Die bugerregte organisasie Right2Know, gaan vandag by die land se vier grootste telekommunikasie maatskappye in Gauteng betoog oor hoë data koste. Hulle gaan 'n protes optrede hou by CellC se hoofkantoor in Sandton, by MTN se hoofkantoor in Randburg, Vodacom se hoofkantoor in Midrand en by Telkom se hoofkantoor in Centurion. Die protes optrede sal na verwagting om 10 uur begin en Suid-Afrika het van die duurste data in vergelyking met ander BRICS-lande."*
- *"'n Taxi bestuurder is deur onbekende mans in Mitchell's Plain aangeval. Die taxi bestuurder was na Wynberg oppad toe 'n ander minibus met agt (8) gewapende mans hom van die pad af gedwing het. Die taxi bestuurder se passasiers is beveel om uit die voertuig te klim. Die taxi bestuurder is beseer toe sy voorruit met 'n baksteen gegooi was. Die polisie ondersoek die saak."*

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

#### **5.1.2 South African Music Content: 40%**

The Licensee monthly logs indicate that it broadcasts a minimum of 80% (eighty 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:

Guillaume "Nader Aan Jou"; Joe Foster "Mona Lisa"; Theuns Jordaan "Aleen Sonder Jou"; Desmond Wells "Voel Jy So Oor My"; Bok van Blerk "Hou Jou Voete Op Die Grond"; Robbie Wessels "Speedos En Crocs"; Liesl Du Toit "Stukkie Van Jou Hart"; Nadine "Skildery"; Danie Niehaus "Vir Wat"; Joshua na die Reën "Vir Altyd"; Karlien van Jaarsveld "Uitklophou"; Riana Nel "Dans"; Koos Kombuis "Lisa Se Klavier"; Franja du Plessis "Stad Van Verlange"; Elvis Blue "Toe Ons Jonk Was".

**The Licensee is compliant with clause 5.1.2 of its licence.**

#### **5.1.3 Talk vs. Music: 60% Talk and 40% Music.**

#### **5.1.4 Language(s) of broadcast:**

##### **5.1.4.1 Afrikaans – 100%**

***5.1.4.2 Broadcast hours: The Licensee shall broadcast for eighteen (18) hours per day***

The monitoring exercise confirmed that the Licensee's format is 60% Talk and 40% Music and that the language of broadcast is 100% Afrikaans.

During the period under review, the Licensee broadcast for the required 18 hours per day. The Licensee informed the Authority that during the period from 26 October 2018 at 18h31 until 29 October 2018 at 11h00, Lichvaal Stereo was off air. This off-air period was due to the local municipality not being able to fix stolen power cables. No other interruptions regarding the broadcasting hours were reported to the Authority.

**The Licensee is compliant with clause 5.1.4 of its licence.**

**Clause 5.2 of the licence provides that:**

*"5.2 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.**

**3.6 Promise of Performance**

Clause 8 of the service licence states that:

*"8.1 60% of the Licensee's talk programming content shall be aimed at the promotion of literacy, education, community upliftment and informational programming. This will include informal education such as skills development".*

The Licensee broadcasts informational programming in the morning that covers a variety of topics. These topics include information about the new agricultural developments, health and euthanasia. Further, the Licensee broadcasts a daily program "*Nuus Kommentaar*", where topics such as the advantages and disadvantages of bitcoin, unemployment within the youth and the power of written and spoken word, amongst other topics were discussed.

The Licensee further broadcasts uplifting programming through its religious programming. The format of these segments is usually the reading of scripture that is reinforced with an encouraging message.

The Licensee, in addition, broadcasts regular book readings which speaks to the promotion of literacy. The book "*n Man vir altyd*" written by Marilè Cloete was one of the literary pieces that was found during the period under review. Moreover, the Licensee broadcasts a radio drama called "*Vuurvreters*" written by Joe Kleinhans as well as "*Staalburger*" written by Roelf van Jaarsveld, Martin Jansen and André Retief.

**The Licensee is compliant with clause 8.1 of the schedule to its licence.**

"8.2 The Licensee shall broadcast programming that relates to students, adults, the aged and the youth between 18 – 45 age groups".

During the period under review, the Authority found that the programming that is broadcast by the Licensee relates to students, adults, the aged and the youth. The monitoring exercise confirms that interviews were conducted with breast cancer survivors, topics such as depression, particularly the symptoms and factors that can lead to depression, as well as providing ways to deal with depression. These topics are relevant to all age groups and genders.

**The Licensee is compliant with clause 8.1.4 of the schedule to 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".*



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

**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 Licences.

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

#### **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.

The Licensee meets the above requirement as one of its guest presenters, Mrs. Christel van Eeden, is wheelchair bound and presents programming that speaks to people living with physical as well as mental disabilities. Further, the Licensee submitted evidence that the premises that it operates from is accessible to those people living with disabilities.

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

### **5. CONCLUSION**

Lichvaal Stereo has demonstrated compliance with the majority of its obligations. However, non-compliance regarding the news obligations has been brought to the urgent

attention of the Licensee and the Authority will continue to monitor its compliance therewith. Further, a representative of Lichvaal Stereo participated in a Workshop that was organised by Pretoria FM and to which the Compliance Unit made a presentation regarding the relevant statutes and regulations regarding compliance on the 27<sup>th</sup> of August 2018. The presentation assisted the Licensee to form a better understanding regarding compliance matters going forward.

## **6. TERMS OF REFERENCE**

- 6.1** Annexure A: Lichtenburg Community Radio Class broadcasting service and spectrum licence;
- 6.2** Annexure B: Regulations on South African Music Content;
- 6.3** Annexure C: Regulations on Standard Terms and Conditions for Class Licences; and
- 6.4** Annexure D: Regulations on the Code for People with disabilities