



NORTH COAST COMMUNITY RADIO ANNUAL COMPLIANCE REPORT

MARCH 2019

2017/2018 ANNUAL COMPLIANCE REPORT FOR NORTH COAST COMMUNITY RADIO INITIATIVE BROADCASTING AS NORTH COAST RADIO

Licence Period: 12 February 2014 to 11 February 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, and any relevant legislation and regulations.

The purpose of this report is to give an account of North Coast Community Radio's performance for the 2017/2018 financial year. Aspects of compliance that are measured comprise of the Geographic Coverage, Community, Programming Obligations, Compliance Procedure Manual Regulations, South African Music Content Regulations and Regulations Regarding Standard Terms and Conditions.

2. BACKGROUND

North Coast Radio holds a Class Sound broadcasting service Licence⁵. The radio station's mandate is to provide a sound broadcasting service to the community of King Cetshwayo, formerly known as Uthungulu District Municipality in the KwaZulu-Natal Province, as set out in the Licensee's frequency spectrum licence⁶.

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.

⁵ Appendix A: North Coast Radio's broadcasting service licence.

⁶ Ibid.

3. COMPLIANCE ASSESSMENT

3.1 Control Structure

Clause 1 of the licence states that:

"The Licence is issued to:

- 1.1 Name of Entity: North Coast Community Radio.*
- 1.2 Name of the Station: North Coast Radio.*
- 1.3 Control of the Licensee: Control shall vest in the Board of Directors of North Coast Community Radio."*

There were no changes reported by the Licensee to its control structure during the period under review.

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

3.2 Licence Period

Clause 2 of the schedule to the licence states that:

"2.1 The effective date of the licence is 12 February 2014.

2.2 The licence shall expire on 11 February 2019."

North Coast Radio's licence was effective from 12 February 2014 to 11 February 2019.

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

3.3 Geographic Coverage Area

Clause 3 of the schedule to the licence stipulates that:

"The Licensee shall provide services to the Uthungulu District Municipality in KwaZulu-Natal Province, as set out in the Licensee's radio frequency spectrum licence".

North Coast Radio covers the areas stipulated in its licence.

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

3.4 Community

Clause 4.1 of the schedule to the licence states that:

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

North Coast Radio provides a sound broadcasting service to the community of King Cetshwayo (Uthungulu) District Municipality.

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:

4.2.1 The Licensee shall hold at least two (2) meetings annually with its community focusing 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; and

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".

During the year under review, the Licensee failed to provide the Authority with proof of two (2) meetings with the community and the AGM.

The Licensee does not comply with clause 4.2 and its sub-clauses of the schedule to the licence.

3.5 Programming

Clause 5.1 of the schedule to the licence states that the Licensee shall provide programming as follows:

"5.1.1 News and Information: The Licensee shall broadcast a total of 135 minutes of news per day of which 70% will be local, 20% national and 10% international news.

5.1.2 South African Music Content: 60%

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

5.1.4 Language(s) of broadcast:

5.1.4.1 isiZulu – 70%; and

5.1.4.2 English – 30%.

The Licensee's recordings were not submitted, making it impossible to monitor content.

The Licensee does not comply with clause 5 of the schedule to its licence and its sub-clauses.

Clause 5.2 of the schedule to the licence states 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 does not submit the log of programmes broadcast to the Authority as required by clause 5.2.

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

Clause 6.1 of the schedule to the licence states that:

"The Contact person of the Licensee shall be:

6.1.1 Name: Carl Modise

6.1.2 Tel: N/A

6.1.3 Fax: 086 556 4617

6.1.4 Cell: 084 705 5171

6.1.4 Email: shinecommunityradio@gmail.com"

Further clause 6.2 of the schedule to the licence states 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".

The Licensee did not follow the correct process when changing its physical address and email address. The Licensee relocated its broadcast studio without notifying the Authority.

The Licensee does not comply with clauses 6.1 and 6.2 of the schedule to the licence.

Clause 8.1 of the schedule to the licence provides that:

"Licensee shall broadcast programmes relating to combating of crime, drug abuse, poverty and HIV/AIDS".

The Licensee did not submit programme recordings requested by the Authority making it difficult to confirm compliance with clause 8.1.

The Licensee does not comply with clause 8.1 of the schedule to the licence.

4.1 Complaints Received

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.

For the year under review, the Licensee did not submit its complaints report and other submissions as required by Compliance Procedure Manual Regulations.

The Licensee does not comply with the Compliance Procedure Manual Regulations

4.2 South African Music Content Regulations⁷

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"⁸.

⁷ Appendix B: South African Music Content Regulations.

⁸ Appendix B: South African Music Content Regulations.

The Licensee does not submit information to the Authority when requested. Therefore, the monitoring of recordings was not conducted.

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

4.3 Regulations Regarding Standard Terms and Conditions for Class Broadcasting Licensees⁹

During the year under review, the Licensee did not comply with the standard terms and conditions for class licences.

North Coast Radio does not comply with Standard Terms and Conditions for Class Broadcasting Licensees.

5. CONCLUSION

North Coast Radio was found to be non-compliant with most provisions of its licence conditions and applicable regulations. The non-compliance by the Licensee indicates that the radio station does not take compliance seriously. The Compliance and Consumer Affairs Division (CCA) has scheduled a number of formal meetings with North Coast Radio to assist them with understanding the licence obligations, regulatory and governance requirements. The Licensee however continue to fail to rectify these non-compliances. CCA will therefore proceed to advise the Licensee of its intention to refer it to the CCC and give it an opportunity to make representations.

6. TERMS OF REFERENCE

Appendix A: North Coast Radio's broadcasting service licence;

Appendix B: South African Music Content Regulations; and

Appendix C: Regulations Regarding Standard Terms and Conditions for Class Licensees

⁹ Appendix C: Regulations regarding Standard Terms and Conditions for Class licences