



RADIO PRETORIA ANNUAL COMPLIANCE REPORT

MARCH 2019

2018/2019 ANNUAL COMPLIANCE REPORT

RADIO PRETORIA

Licence Period: 17 November 2015 – 16 November 2020

1. PREFACE

The Independent Communications Authority of South Africa (the Authority) has a statutory mandate in terms of the Constitution¹, the Independent Communications Authority of South Africa Act² (ICASA Act), 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.

This report is intended to give account of Radio Pretoria'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 Regulations and Regulations Regarding Standard Terms and Conditions.

2. BACKGROUND

On 18 June 2015, a class broadcasting service licence was issued to Radio Pretoria with licence number: Class/Re/Com/R145/Jun/15. As per the licence, Radio Pretoria is to provide services in the Greater Pretoria and its immediate surrounding areas within the City of Tshwane Metropolitan Municipality in the Gauteng Province as set out in the Licensee's radio frequency spectrum licence. According to the Broadcast Research Council of South Africa (BRC), the listenership figures for the last quarter for the period under review was 31 000.

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 Radio Pretoria's licence provides that:

"The Licence⁵ is issued to:

1.1. Name of entity: Radio Pretoria

1.2. Name of the Station: Radio Pretoria

1.3. Control of the Licensee: Control shall vest in the Board of Directors of a Non-Profit Organisation known as Radio Pretoria (Association under section 21)."

It was noted that the Licensee is currently broadcasting under the station name 'Pretoria FM'. This is in contradiction with the station name as per its licence. The Authority was not notified by means of submission of the required form to effect such a change. However, the non-compliance was brought to the attention of the Licensee and the Licensee committed to rectifying the non-compliance by submitting the required form as well as requesting the Authority's condonation thereto.

At the time of writing this report the Licensee was non-compliant with clause 1 of its service licence.

3.2 Licence Period

Clause 2 of Radio Pretoria's licence provides that:

"2.1 The effective date of the Licence is 17 November 2015.

2.2 The Licence shall expire on 16 November 2020."

The licence is up to date and will be effective until 16 November 2020, at which time the Licensee will be reminded to submit a renewal application, should it wish to retain its broadcasting service licence.

The Licensee complies with clause 2 of its service licence.

3.3 Licence Area

Clause 3 of Radio Pretoria's licence provides that:

⁵ Annexure A: Radio Pretoria's Broadcasting Service Licence

"The Licensee shall provide services in the Greater Pretoria and its immediate surrounding areas within the City of Tshwane Metropolitan Municipality in the Gauteng Province as set out in the Licensee's radio frequency spectrum licence."

Radio Pretoria's coverage area remains as prescribed in the licence terms and conditions. In the year under review, the Authority received no reports or complaints indicating that the radio station has gone beyond its licence area.

The Licensee complies with clause 3 of its licence.

3.4 Community

Clause 4.1 of Radio Pretoria's licence provides that:

"4.1 The Licensee shall provide services to a Boere Afrikaner Interest based community residing within the geographic coverage area specified herein namely, the Greater Pretoria and its immediate surroundings within the City of Tshwane Metropolitan Municipality."

The monitoring exercise confirms that the Licensee's broadcasting services cater to a Boere Afrikaner Interest based community. The Licensee starts the performance period off with a segment on Agricultural News. This segment includes interviews with experts in the agricultural field. Further, additional programmes covered by the Licensee are of relevance to a Boere Afrikaner Interest based community. Example of the programmes are identified throughout this report.

The Licensee complies with clause 4.1 of its licence.

Clause 4.2 of Radio Pretoria's 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 advised that due to the geographic challenges and technological advances, the community meetings are approached in a different manner. The Licensee makes use of "Survey Monkey"⁶, to communicate with its listeners. Listeners are encouraged to participate in the survey regardless of whether they listen to the station in their car, through the channel on DSTV or online. Participation is anonymous. Surveys were conducted during January 2018 and June 2018 and will be conducted on a continuous basis. The results of both surveys were submitted to the Authority. As per the survey conducted during January 2018, a total of 1470 listeners participated. The survey conducted during June 2018 saw reduced participation with only 760 listeners. Questions included in the surveys are aimed at establishing listeners satisfaction with programs as well as its hosts. Although the Licensee did not hold meetings in the traditional sense, the result of using the technology does speak to the rationale behind the requirement of holding community meetings, i.e. to receive feedback from the listeners. Further, the Licensee is still approachable to its listeners through its community involvement and various social media platforms.

The Licensee held its AGM on the 16th of November 2017. The agenda, minutes and attendance register of the AGM was submitted to the Authority.

The Licensee complies with clause 4.2 of its licence.

3.5 Programming

Clause 5.1 of Radio Pretoria's licence provides that:

"5.1.1 Local News and Information: The Licensee shall broadcast news to a total of 45 minutes per day, 30 minutes of which shall be community news produced by the station on issues affecting the community."

As per the logs submitted by the Licensee, the news broadcast exceeds the requirement as per the Licence. With an average of two (2) hours of news per day. However, the allotment

⁶ SurveyMonkey is an online survey development cloud-based software company that provides free and customizable surveys.

of news is not in line with the licence. The news that is broadcast does not meet the 30 minutes of community news that the Licensee is required to produce specifically on issues affecting the community. As per the logs, the Licensee submits that it is only broadcasting 20 minutes of community news per day. The monitoring exercise further confirms that the community news that is broadcast does not comply with the licence condition.

Some of the news inserts covered by the Licensee, during the period under review, include:

- *"Die Minister van Finansies, Malusi Gigaba, se gebruik van artikel 16 van die Openbare Finansiële Bestuur Wet om die Suid-Afrikaanse Lugdiens uit sy verknorsing te red met 3 miljard rand, kon glo vermy word en is ook glo onwettig. Die Demokratiese Alliansie sê hy het aan die staande kommitee oor openbare rekening geskryf om te vra dat 'n regsopinie van die Parlement se regsadviseurs ingewin word."*
- *"Die polisie in Gauteng is op soek na bende wat 'n geldwa op die N1 Hoofweg by die Buccleu wisselaar beroof en die verkeer tot stilstand gedwing het. Die verdagtes het gevlug met 'n onbekende bedrag geld. Die voorval het gisteraand plaasgevind toe die rowers glo plofstof gebruik het om die geldwa op te blaas om toegang tot die geld te kry."*
- *"Transnet gaan gevra word om alle dokumente oor sy vyftig (50) miljard rand lokomotioef kontrak met China South Rail aan die portefeulje kommitee vir Handel en Nywerheid te oorhandig. Dit volg nadat kommitee lede ooreengekom het oor 'n verwysingsraamwerk vir hulle ondersoek. Kommer bestaan nadat nie een van die lokomotiewe in Suid-Afrika gemonteer is nie ondanks wetgewing wat die gebruik van plaaslike inhoud verpligtend maak. Die kommitee wil ook probeer vasstel hoe koste inflasie van ses (6) miljard ontstaan het."*
- *"Kaapstad het ondanks heewige teenkanting 'n tender van bykans een (1) miljard rand toegeken aan 'n privaat konsortium om die gebiede by die gesogte Clifton te ontwikkel. Die stad het vyf (5) hektaar grond tussen Clifton en Kampsbaai vir ontwikkeling beskikbaar gestel. Die geld wat uit die projek gemaak word sal tot voordeel van die stad se arm gemeenskappe gebruik word. Meer as vyftig (50) huise sal gebou word en die tender maak ook voorsiening vir luukse woonstelle, 'n boetiek hotel en 'n inkopiesentrum."*
- *"Smouse beoog om Pretoria weer onregeerbaar te maak nadat 'n beplande sit-staking by die Tshwane Huis om die metro te dwing om vir hulle kinders se opvoeding te"*

betaal, skeef geloop het. Die smouse se leier sê daar gaan geen bloedvergieting wees nie, nadat die owerhede die informele verkopers toegang tot die Tshwane Huis geweier het. Sekuriteitspersoneel het die hek van die Tshwane Huis gesluit om die aankomende betogers toegang te weier maar die smouse se kinders het reeds in die gebou gegaan en die betogers wou met alle mag in."

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

5.1.2 South African Music Content: 50%

The Licensee submits its monthly logs, as per the Compliance Procedure Manual Regulations, that indicates that it broadcasts a minimum of sixty (60%) percent South African music content on average. This exceeds the obligation to broadcast 50% South African music content, as required by its licence.

Some of the South African music content found during the monitoring exercise, include:

Adam "Gebore Om Jôu Lief Te Hê"; Steve Hofmeyr "Engele Om Ons"; Franja du Plessis "My Gunsteling"; Kurt Darren "Ek Wens Vir Jou"; Joe Voster "Bly Nog Net So 'n Bietjie"; Mel Botes "Plekkie By Die See"; Joshua Na Die Reen "Alles Gee"; Sarah Theron "Hartseer"; Ricus Nel "n Bietjie Tyd Net Ek En Jy"; 4werke "Vuurwerke"; David Fourie "Kaboemiellies"; Mathys Roets "Gert Vlok Nel Se Treine"; Hilandi du Toit "Skelmaan"; Monique Steyn "De Boom"; Wouter van der Venter "Ses Snare"

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%

The monitoring exercise found that the Licensee's format is 60% Talk and 40% Music.

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

The Licensee complies with clause 5.1.3 and 5.1.4 of its licence.

Clause 5.2 of Radio Pretoria's 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. Pro-forma of the log to be kept will be supplied by the Authority."

The Licensee submits the required forms within the prescribed seven (7) days from the start of the calendar month, as per the Compliance Procedure Manual Regulations.

The Licensee complies with clause 5.2 of its licence.

3.6 Promise of Performance

Clause 8 of the Licensee's 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 several programmes, each dedicated to a different category of the broadcasting programme content. The subject matter that is covered during these programmes include amongst others: legal, medical, business, religious matters and scientific subject matters.

The monitoring exercise found the following programmes:

- o "Regspraak" a program that cover legal issues. It is broadcast on Tuesdays from 20h10.
- o "Net Medies" addresses medical conditions with the help of specialists from the medical field. *Net Medies* is broadcast on Wednesdays after 20h00.
- o "Ek Wil Weet" is broadcast on Sundays after 16h00. This program is based on questions as received from the listenership and seeks to answer these questions by experts in the field of science.
- o "Hartland" is broadcast on Mondays after 20h00. The program is focused on matters of the heart, including interviews and sound clips about culture and history.
- o Thursdays, the Licensee broadcasts "Sakenuus". This program involves discussions with entrepreneurs and established business people.
- o "Klankkoerant", "Kontreikuier" and "Sake 20/20" are broadcast daily throughout the week.

The programmes identified above seek to meet the Licensee's obligation to provide talk programming that is aimed at the promotion of literacy, education, community upliftment and information. The Licensee has satisfied the obligation.

The Licensee complies with clause 8.1 of its licence.

"8.2 The Licensee shall broadcast a broad-based programming that will involve the whole community."

Additional to the programmes listed under clause 8.1, the Licensee has projects that are joint ventures between its on air broadcasting service and its social media platforms. An example thereof is the *"Briefie Vir 'n Brakkie"* project where once a week a dog from either the Wollies Animal Shelter or the Wet Nose Animal Shelter is put up for adoption. Listeners are invited to write a motivational letter as to why they want to adopt the specific dog. The program is a success and sees a significant number of dogs finding new homes with the listeners of Radio Pretoria. The programming identified regarding clause 8.1 is broad and caters to all sections of the community that it serves and seeks to facilitate involvement from the entire community through its call-ins and social media.

The Licensee complies with clause 8.2 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".

During the period under review, the Regulations required that 60% of the music content on community radio stations be South African. The information as submitted by the Licensee indicates that the Licensee plays a minimum of 60% of South African music. The monitoring exercise confirms that the Licensee plays a substantial amount of South African music throughout the performance period. The 60% consists only of South African tracks.

The Licensee did not calculate the format factors into the beforementioned percentage. The monitoring exercise confirms that the Licensee often broadcasts new releases from South African artists and conducts interviews with South African artists. The Licensee further

covers live music on an occasional basis. Examples include live performances from CH2 as well as Leon Gropp.

Some of the interviews that were conducted include:

Jennifer Zamudio; Dewald Wasserfall; Nicholas Louw; Geraldine; Adam Tas.

All things considered, the Licensee exceeds the 60% requirement as per the South African Music Content Regulations.

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 within the regulatory time-frames.

The Licensee complies with the Compliance Procedure Manual, as stated above.

4.3 Regulations regarding Standard Terms and Conditions for Class Licences

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's premises are accommodating towards those people who live with disabilities. Further, the Licensee in its employ has an intern that is wheelchair bound.

Further, the Licensee through its programming raises awareness on issues such as depression, hearing-loss and cerebral palsy, amongst others.

The Licensee complies with the Code on People with Disabilities.

5. CONCLUSION

Radio Pretoria has shown compliance with the majority of its obligations. The Licensee will be advised of the non-compliant aspects as contained in this report and be assisted as far as possible to ensure that the issues be addressed adequately. Further, the Licensee has adhered to any requests from CCA and shows a willingness to ensure that full compliance is reached. The CCA will continue to monitor the compliance of Radio Pretoria during the next financial year, especially regarding those issues that the Licensee has been made aware of and the steps taken by the Licensee to remedy the non-compliance.

6. TERMS OF REFERENCE

- 6.1 Annexure A: Radio Pretoria 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.