



# **RADIO PULPIT ANNUAL COMPLIANCE REPORT**

**MARCH 2019**

# **2017/18 ANNUAL COMPLIANCE REPORT**

## **RADIO PULPIT BROADCASTING AS RADIO PULPIT**

**LICENCE PERIOD: 12 FEBRUARY 2019 – 11 FEBRUARY 2019**

### **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>, 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. 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 Pulpit'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), Promise of Performance, South African Music Content Regulations, Code on People with Disabilities and Regulations Regarding Standard Terms and Conditions.

### **2. BACKGROUND**

Radio Pulpit was issued with a renewed licence on 12 February 2014 to continue with their sound broadcasting services to the community residing within the Greater Gauteng area in the Gauteng Province as set out in the radio frequency spectrum licence. According to the Broadcast Research Council of South Africa (BRC), the listenership figures for the last quarter of the period under review was 86 000.<sup>5</sup>

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<sup>1</sup> The Constitution of the Republic of South Africa, No 108 of 1996

<sup>2</sup> Act No. 13 of 2000, as amended

<sup>3</sup> Act No. 36 of 2005

<sup>4</sup> Act No. 4 of 1999

<sup>5</sup> <https://brcsa.org.za/brc-ram-radio-listening-oct17-mar18-jan18-jun18/>

## **COMPLIANCE ASSESSMENT**

### **2.1 Licensee<sup>6</sup>**

Clause 1 of the licence provides that:

*"The Licence is issued to:*

- 1.1 Name of Company/Entity: Radio Pulpit*
- 1.2 Name of the station: Radio Pulpit*
- 1.3 Control of the Licensee: Control shall vest in the Board of Directors of a Section 21 company known as Radio Pulpit."*

In the year under review, the Authority did not receive any notifications from the Licensee indicating a change in any of the above information.

**The Licensee complies with clause 1 of the service licence.**

### **3.2 Licence Period**

Clause 2 of the licence provides that:

*"The effective date of the Licensee is 12 February 2014 and shall expire 11 February 2019."*

The Licensee was reminded to send a notice for renewal of the licence in accordance with the period as outline in the Processes and Procedures Regulation for Class Licences.

**The Licensee complies with clause 2 of the service licence.**

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<sup>6</sup> Appendix A: Radio Pulpit Service Licence

### **3.3 Licence Area**

Clause 3 of the licence provides that:

*“The Licensee shall provide services to Greater Gauteng area in the Gauteng Province as set in the Licensee’s radio frequency spectrum licence.”*

The Authority did not receive reports suggesting the Licensee broadcasts outside the defined coverage area.

**The Licensee complies with clause 3 of the service licence.**

### **3.4 Community**

Clause 4 of the licence provides that:

*“The Licensee shall provide services to a Christian interest based community residing within the geographic coverage area specified herein. The Licensee shall cater for Christian families of all races, ages, cultural backgrounds and languages applicable within its defined broadcast area.”*

The Licensee’s programming is aimed at Christian interest group through its talk and music content. The content also includes sermons and motivational talks by different Priests and Pastors from different churches based on biblical scriptures.

Clause 4.2 of 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 regular meetings annually with its community focusing on programming and programming 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 the attendance thereof by members of the community;*

The Licensee submits that due to their footprint which is bigger than normal community radio being on medium wave, they couldn't hold meetings with their community, but rather provided listeners' feedback research, social media feedback and internal camp feedback forms<sup>7</sup>. The Licensee through different Christian based organisations and ministries could have nominated a few individuals to attend the meetings accordingly. The Licensee albeit having utilised ways to get feedback from the listeners' have not complied with the clause in the service licence.

**The Licensee failed to comply with clause 4.2 of the service 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 any Special Annual General Meeting as and when required by the constitution; 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 sent minutes of an AGM held on 30 October 2018 at the Radio station's boardroom. The AGM was attended by the Directors only and had minutes from the previous AGM adopted, approval of financial statements and appointment of new directors and office bearers.

**The Licensee partially complies with clause 4.2.3 of the service licence.**

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<sup>7</sup> Response Letter

### 3.5 Programming

Clause 5.1.1 of the schedule to the service licence of Radio Pulpit provides that:

*"The Licensee shall broadcast a total of sixty (60) minutes of news per day which shall include community announcements. This shall also include community news produced by the station."*

The monitoring exercise confirmed that the Licensee broadcast a total of eight (8) news bulletins in English and Afrikaans for an average of four (4) minutes each for an average of thirty (30) minutes of news on weekdays. There were no news broadcast identified during weekends.

The following are some of the news items monitored:

- *"The Automobile Association says another fuel hike is possible again next month. This comes as petrol will increase by 82 cents a litre at midnight and diesel by 85 cents a litre. The central energy fund says the weaker rand exchange rate versus the dollar is the main reason for the sharp rises."*
- *"MTN has confirmed that the Hawks have raided their offices looking for documents and equipment linked to Turkcell. The Turkish company has launched a multi-billion-rand lawsuit over a disputed licence in Iran. It is alleged that MTN used bribery and wrongful influence to win a lucrative licence in Iran originally awarded to Turkcell "*
- *"The DA asked parliament to probe allegations that Cooperative Governance and Traditional Affairs Minister Zweli Mkhize received a 4.5 million rand kickback in return for facilitating a 210 million rand loan from the Public Investment Corporation. The party says this was one of the questionable investments made by the PIC "*

#### **The Licensee failed to comply with its news obligations.**

Clause 5.1.2 of the schedule to the service licence of Radio Pulpit provides that:

*"The Licensee shall broadcast South African music content of 50%".*

The Licensee submitted their Form 8A and their local music content is an average of sixty five percent (65%) of local music. The Authority's monitoring exercise found that the Licensee broadcast predominantly local music with gospel music from indigenous languages as per their languages of broadcast, Afrikaans music in addition to traditional English language musicians. Some of the music artists that were monitored include *Natasha Joubert, Onbeskaamd, Tender Mavundla, Monde* amongst others.

### **The Licensee complies with their local music obligations.**

Clause 5.1.3 of the schedule to the service licence of Radio Pulpit provides that:

*"The format shall be 60% talk and 40% music"*

The Licensee's programming is dominated by talk content with music being supplementary. As a Christian radio station, they have sermons, discussion about scriptures and motivational and topical issues pertaining to the Christian faith with guests to assist in the interpretation of scriptures.

### **The Licensee complies with its format.**

Clause 5.1.4 of the schedule to the service licence of Radio Pulpit stipulates that:

*5.1.4.1 35% - English*

*5.1.4.2 35% - Afrikaans*

*5.1.4.3 20% - isiXhosa, isiZulu, Ndebele, siSwati; and*

*5.1.4.4 10% - Sesotho, Setswana, Sepedi*

The monitoring exercise revealed that the Licensee's majority of content is broadcast mainly in English and Afrikaans. They have segments in the start of the performance period weekdays for Nguni and other indigenous languages of broadcast. Furthermore, they also expand the indigenous languages programming

over the weekend in order to create the balance accordingly. It should be noted however that of the Nguni languages, its predominantly isiZulu and isiXhosa being utilised.

**The Licensee partially complies with its languages of broadcast obligations.**

### **3.6 Promise of Performance**

Clause 8.1. of the schedule to the service licence of Radio Pulpit provides that:

*“The Licensee shall ensure that 60% of the Licensee’s talk programming content shall be aimed at the promotion of education, community upliftment and informal education such as skills development and health issues.”*

The Licensee invites guests to discuss topical Christian related matters included inviting Authors to discuss their books accordingly. Furthermore, there are different shows that deal with all the aspects as outlined in their promise of performance to health matters for matters including Mind Spa, roundtable discussion about how a righteous Christian should approach the current life dynamics amongst others.

**The Licensee complies with its promise of performance.**

## **4. REGULATIONS**

### **4.1 South African Music Content Regulations**

The Authority has on 23 March 2016 published ICASA South African Music Contents Regulations which repealed ICASA South African Music Content regulations published on 31 January 2006. The regulations were to be effective eighteen (18) months after publication i.e. 23 September 2017 which falls within the period under review.



Regulation 3.3 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 (18) months from the date 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 reasonably evenly throughout the said period"<sup>8</sup>.*

The Licensee submitted their Form 8A and their local music content is an average of sixty five percent (65%) of local music. The Authority's monitoring exercise found that the Licensee broadcast predominantly local music with gospel music from indigenous languages as per their languages of broadcast, Afrikaans music in addition to traditional English language music artists. The Licensee also interviewed gospel artist *Thina Zundu* about his latest album and debut his songs which contributes to their local content in according with the format factor outlined in the regulations.

### **The Licensee complies with the Regulations on South African Music Content.**

#### **4.2 Code on People with Disabilities**

Clause 3.1 (a) of the Code for People with Disabilities stipulates that:

*"Broadcasting service Licensees must ensure that their services are made available and accessible to people with disability."*

The radio station's services are accessible to people with disabilities.

### **The Licensee complies with the Code of People with Disabilities.**

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<sup>8</sup> Appendix D: Regulations on South African Music Content

### **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. It should be noted that there is content which has been shared with Cape Pulpit on the recording through syndication, and clarity was sought with regards to the limitation percentage, and the radio station did confirm that they comply with the twenty percent limitation. This is an issue that needs constant monitoring to ensure that they don't broadcast more than the percentage required by the regulations.

## **5. CONCLUSION**

Radio Pulpit has failed to comply with its community participation and news obligations as well including the community during their AGM's. The Licensee does not fully comply with its language obligations. The Authority will address the area of concern with the Licensee in the next financial year.

## **6. TERMS OF REFERENCE**

<b>Appendix A:</b>	Radio Pulpit Broadcasting Service Licence
<b>Appendix B:</b>	Radio Pulpit Response Letter
<b>Appendix C:</b>	Form 8 A
<b>Appendix D:</b>	Regulations on South African Music Content
<b>Appendix E:</b>	Code on People with Disabilities
<b>Appendix F:</b>	Regulations regarding the Standard Terms and Conditions, 2010 published in GG no 33296 dated, 14 June 2010 as amended in and as amended by Government Gazette No 39872 published on 30 March 2016