



SETSOTO FM STEREO ANNUAL COMPLIANCE REPORT

MARCH 2019

2017/2018 ANNUAL COMPLIANCE REPORT

SETSOTO FM STEREO

Licence Period: 27 October 2013- 24 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 following report is intended to give an account of Setsoto FM Stereo's performance for the 2017/2018 financial year. Aspects of compliance that are measured comprise of the Licence Area, Community Participation, Programming, South African Music Content Regulations, Regulations regarding Standard Terms and Conditions for Class Licensees and Regulations on the Code on People with Disabilities.

2. BACKGROUND

Setsoto FM Stereo is a class broadcasting service Licensee serving the geographic community of Greater Ficksburg and its surrounding areas in the Free State province. The radio station is licensed to broadcast in Sesotho and English. According to the Broadcast Research Council of South Africa (BRC), the listenership figures for the last quarter of the period under review was 10 000⁵.

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

3. COMPLIANCE ASSESSMENT

3.1 Licensee Details

Clause 1 of the schedule to the licence stipulates that:

- 1.1 Name of entity: Maluti Media Networks*
- 1.2 Name of the Station: Setsoto FM Stereo*
- 1.3 Control of Licensee: Control shall vest in the Board of Directors of Voluntary association known as Maluti Media Networks*

There were no changes reported by the Licensee regarding the name of the radio station. Furthermore, the radio station identifies itself at regular intervals, with frequency number and areas of coverage.

The Licensee complies with clause 1 of schedule to the licence.

3.2 Licence Period

Clause 2 of the schedule to the licence stipulates that:

- 2.1 The effective date of the Licence is 27 October 2013*
- 2.2 The Licence shall expire on 26 October 2018*

Setsoto FM Stereo renewed its licence and it is valid for in this period under review.

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

3.3 Licence Area⁶

Clause 3 of the schedule to the licence provides that the Licensee's coverage area is as outlined below:

⁶ Setsoto FM Stereo service and spectrum licence

"The Licensee shall provide services to the Greater Ficksburg and its surrounding areas in the Free State Province as set out in the Licensee's radio frequency spectrum licence".

The Licensee confirms that it broadcasts in the geographic area as set out in its radio frequency spectrum licence.

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

3.4 Community

Clause 4.1 of the Schedule to the licence provides that:

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

The Licensee provides broadcasting services to areas under Greater Ficksburg and its surrounding areas in the Free State Province. Greater Ficksburg area which is also known as Setsoto Local Municipality has a population of approximately 125 751 people from which 60% live in urban areas and 40% live in rural areas, according to Stats SA⁷. Setsoto FM Stereo's main coverage area include the towns of Ladybrand, Ficksburg, Kestell, Clarens and Fouriesburg. The Licensee expressed its ambitions of improving its coverage in some other areas where it is licensed to serve and confirmed that it is in touch with the Authority's Radio Frequency department and its signal distributor, Sentech.

The Licensee complies with clause 3.1 of the schedule to the licence.

Clause 4.2 of the schedule to the licence provides as follows:

"The Licensee shall provide for the participation of community members in the affairs of the station in the following ways:

⁷ <https://census2011.adrianfrith.com/place/419>

"4.2.1 The Licensee shall hold at least two (2) meetings annually with its community 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".

The radio station submitted proof of its meetings with the community where various matters were discussed, including programming issues.

The Licensee complies with clause 4.2.1 and 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, subject to the Licensee's founding documents".

The 17 March 2017 AGM held by the Licensee discussed various matters and included an election of new board of directors. The Licensee reports that six members were already elected as the interim board and in addition, the chairperson encouraged candidates from the community to volunteer and be voted into the new board. The elections were held in front of the present community members. The proceedings led to the committee fulfilling its quota by having women on the board of directors. The Licensee provided the Authority with proof of attendees as well as reports and minutes from the AGM.

The Licensee complies with clause 4.2.3 of the schedule to its licence.

3.3 Programming

Clause 5.1.2 of the service licence provides for the radio station's format as follows:

"60% talk and 40% music".

The monitoring exercise revealed that the Licensee broadcasts about sixty percent (60%) of talk and forty percent (40%) of music. It was revealed that more talk happens on the show called Afternoon Drive, and most of the Talk is done through community members calling in. The show discussed issues such as Gangster culture and Politics. The show 'Bophelo Ba Kajeno' has had discussions on domestic abuse. On current affairs, a show called 'Redi Lata Letailane' also has more talk on politics, and news.

The Licensee complies with clause 5.1.2 of the schedule to its licence.

3.4 News and Information

Clause 5.1.1 of the schedule to the licence provides that:

"The Licensee shall broadcast news to a total of thirty (30) minutes of news per day, 60% of which shall be news originated by the station on issues affecting the community, 30% national and 10% international".

The Licensee failed to submit programme recordings in full. The recordings that were provided to the Authority were multiple short clips. This makes it difficult to determine whether Setsoto FM Stereo is complying with clause 5.1.1. The monitoring revealed that each news bulletin ranges from three (3) to five (5) minutes on the hour.

The following are excerpts from news broadcasts that were identified on Setsoto FM Stereo:

- *"Basebetsi ba bane ba masepala wa Maluti a Phofung, ba ileng ba lemala nako eo seponesa se neng se qalanya letshwele ka gase e llisang dikeledi, ba re seponesa ha se na nnete ka ha ba ne ba dutse ba e ja ha seponesa se tla ba thunya. Ho sa le jwalo, modulasetulo wa mokgatlho wa SAMU, le kaleng la Maluti a Phofung, Simphiwe Manyoni, o sa oletse seponesa ka bohale, a re ba hlatletse nyewe go maqweta a mokgatlho wa SAMU, ka ha masepala e le ona o bakileng morusu le hore ditho tsa bone di lemale."*
- *"Komiti ya naha ya tshebetso ya ANC e fane ka taelo ho ba ofisiri ba moga ba tsheletseng ba ka sehlogong go bolella moporesidente Jacob Zuma go rola marapo a puso. Komiti ya naha ya tshebetso ya moga e ne e tshwere kopano ya yona ya pele ka Mantaha e sale ho tloha ho khethiwe dibeke tse pedi tse fetileng. Ho tlaleha ha tse dingwe tsa ditho tsa komiti di batla hore Zuma a itokolle pele ha puo ya pulo ya palamente e tlang ho etsahala nakong ya dibeke tse pedi, ho hloha ha jwale. Ba ofisiri ba moga ba lebeletse ho kopana le Zuma pele beke e hodimo e fitlhela pheletsong hotla mo tsebisa ka qeto ya moga. E mong wa ditho tsa komiti o bolelletse megatlo ya ditaba hore komiti e fihleletse qeto ya hore baofisiri ba lokela go mo bollela gore a itokolle, mme ba sebetsa ka thata ho etsa bonnete bah ore sena se etsahala pele ha puo ya pulo ya palamente."*
- *Komiti ya naha ya tshebetso ya ANC e fane ka taelo ho ba ofisiri ba moga ba tsheletseng ba ka sehlogong go bolella moporesidente Jacob Zuma go rola marapo a puso. Komiti ya naha ya tshebetso ya moga e ne e tshwere kopano ya yona ya pele ka Mantaha e sale ho tloha ho khethiwe dibeke tse pedi tse fetileng. Ho tlaleha ha tse dingwe tsa ditho tsa komiti di batla hore Zuma a itokolle pele ha puo ya pulo ya palamente e tlang ho etsahala nakong ya dibeke tse pedi, ho hloha ha jwale. Ba ofisiri ba moga ba lebeletse ho kopana le Zuma pele beke e hodimo e fitlhela pheletsong hotla mo tsebisa ka qeto ya moga. E mong wa ditho tsa komiti o bolelletse megatlo ya ditaba hore komiti e fihleletse qeto ya hore baofisiri ba lokela go mo bollela gore a itokolle, mme ba sebetsa ka thata ho etsa bonnete bah ore sena se etsahala pele ha puo ya pulo ya palamente"*

The Licensee partially complies with 5.1.1 of the schedule to its licence.

Clause 5.1.2 of the schedule to the licence states that:

"The Licensee shall broadcast 60% South African music content".

The monitoring exercise confirmed that the radio station broadcasts more than 60% of South African music content per week. The following were among the music items identified during the period under review: Spikiri, Vusi Nova, Lady Zamar, Hugh Masekela.

The Licensee complies with clause 5.1.2 on local content, above.

3.5 Language(s) of broadcast

Clause 5.1.4 of the schedule to the licence provides that the languages of broadcast are as follows:

- (a) 60% Sesotho
- (b) 30% English
- (c) 10% of other languages spoken in the Licensee's coverage area

The monitoring exercise confirms that Sesotho is indeed the principal language of broadcast. The Licensee broadcasts in Sesotho mainly, except for circumstances where listeners calling in, or in-studio interviews are conducted using English or Setswana for comprehension purposes

The Licensee complies with clause 5.1.4 of the schedule to its licence.

3.6 Notices and Addresses

Clause 6.1 of the service licence stipulates that

"The contact person for the Licensee shall be:

6.1.1 Name: Thabiso Sibiya

6.1.2 Tel: N/A

6.1.3 Fax: N/A

6.1.4 Cell: 083 940 2131/ 078 046 4184

6.1.5 Email: setsotoradio@gmail.com

There were no changes reported by the Licensee on contact details.

The Licensee complies with clause 6.1 of the schedule to its licence.

3.7 Promise of Performance

Clause 8.1 of the schedule to the licence provides that:

"The Licensee shall establish and maintain a programming committee consisting of members of the Licensee's target community."

The Licensee has not submitted any confirmation of compliance with the above clause.

The radio station does not comply with clause 8.1 of its licence.

Clause 8.2 of the schedule to the licence provides that:

"The Licensee's programming shall include programmes on education, health and community developments issues."

According to the Licensee submission, there is a fairly balanced mix in its program offering which includes community development topics; health and education.

The station complies with clause 8.2 of its licence.

Clause 8.3 of the schedule to the licence provides that:

"70% of the Licensee's programming shall be sourced from its coverage area"

The monitoring exercise confirms that more than seventy (70%) of the programming content originates from its coverage area.

The Licensee has demonstrated compliance with clause 8.3 above.

3.8 COMPLAINTS

During the period under review, the Authority did not receive complaints regarding the Licensee.

4. REGULATIONS

4.1 South African Music Content⁸

Regulation 3 (3) of the Regulations on South African Music Content as published on 23 March 2016 stipulates that:

"A holder of a community sound broadcasting licence must ensure that after eighteen (18) 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 reasonably evenly throughout the said period".

For the period under review, the obligation in accordance with the SA Music regulations above was for at least sixty percent (60%) of South African music content to be played by community sound broadcasting Licensees.

The Authority's monitoring exercise confirmed that the radio station broadcasts more than sixty percent (60%) of South African music content. Various genres were identified on the station's music line-up including Traditional Sesotho Music; House; Afro Pop; Hip Hop and Kwaito with artists such as *Spikiri, Vusi Nova, Lady Zamar, Hugh Masekela* and many others being played.

⁸ Regulations on South African Music Content

The Licensee complies with South African Music Content Regulations.

4.2 Regulations regarding Standard Terms and Conditions for Class Licences⁹

For the period under review, the Authority did not find non-compliance with the standard terms and conditions.

The Licensee complies with the regulations on Standard Terms and Conditions for Class Licences.

4.3 Regulations on the Code on People with Disabilities

Clause 3.1 (a) of the Code on People with Disability of 2007 provides that:

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

During the period under review, the Licensee did not indicate any measures of complying with the accessibility requirements in accordance with the above Code and therefore do not comply with the requirement.

Furthermore, form 7C: Code on People with Disabilities contained in the Compliance Procedure Manual Regulations requires broadcasting Licensees to annually complete the form in accordance with the Licensee's financial year end.

The Licensee has not submitted the form in accordance with the regulations and therefore does not comply with the provisions of the Code for People with disabilities.

The Licensee does not comply with the regulations on the Code on People with Disabilities.

⁹ Regulations on Standard Terms and Conditions for Class Licences

5. CONCLUSION

During the period under review, the Licensee has generally complied its several licence terms and conditions. Although it is experiencing some challenges on its coverage, it must continue to put out good content for its listeners and community in general. The non-compliance matters will be discussed with the Licensee and monitored during the next financial year.

6. TERMS OF REFERENCE

- 7.1 Setsoto FM Stereo service and spectrum licence
- 7.2 Setsoto FM Stereo submission
- 7.3 Complaints and responses thereto
- 7.4 Regulations on South African Music Content
- 7.5 Regulations on Standard Terms and Conditions for Class Licences
- 7.6 Regulations on the Code for People with disabilities