



VILLAGE FM COMMUNITY RADIO STATION ANNUAL COMPLIANCE REPORT

MARCH 2019

2017/2018 ANNUAL COMPLIANCE REPORT

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LICENCE PERIOD: 13 DECEMBER 2016- 12 DECEMBER 2021

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 Village FM Community Radio Station'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 the Licence Area, Community, 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

Village FM Community Radio Station is a class broadcasting service Licensee serving the geographic community of Moses Kotane Local Municipality and other surrounding areas situated within the Bojanala Platinum District Municipality, North West Province. According to the Broadcast Research Council of South Africa, the listenership figures for the last quarter of the period under review was 80 000⁵.

3. COMPLIANCE ASSESSMENT

3.1 Licensee Details

Clause 1 of the licence stipulates that:

1.1 Name of Company/Entity: Village FM Community Radio Station.

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 <http://www.brcsa.org.za/brc-ram-radio-listening-jul-16-dec-16-oct-16-mar-17/>

1.2 Control of Licensee: Control shall vest in the governing body of Village FM Community Radio Station.

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

The Licensee complies with clause 1 of the licence.

3.2 Licence Period

Clause 2 of the licence stipulates that:

2.1 The effective date of the Licence is 13 December 2016.

2.2 The Licence shall expire on 12 December 2021.

Village FM Community Radio Station's licence was renewed, and the licence is valid from 13 December 2016 to 12 December 2021.

The Licensee complies with clause 2 of the licence.

3.3 Licence Area

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

"The Licensee shall provide services to Moses Kotane Local Municipality and other surrounding areas situated within the Bojanala Platinum District Municipality in North West 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 frequency spectrum licence.

The Licensee complies with clause 3 of the licence.

3.4 Community

Clause 4.1 of the licence stipulates 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 Mose Kotane Local Municipality, which falls under the Bojanala Platinum District Municipality in North West Province. These areas include Mmatau; Pella; Madikwe; Ramokotastad and surrounding areas. The Authority has not received any complaints from members of the public residing in the coverage area on issues related to poor coverage or interference.

The Licensee complies with clause 4.1 of the licence.

Clause 4.2 of 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:

"4.2.1 The Licensee shall hold at least 2 (two) 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 as the attendance thereof by members of the community".

The Licensee submitted proof of its programming related AGM that was held on 10 March 2018 where various matters related to programming were discussed and the community was informed on how they can get involved in various ways to provide programming that is derived from their community. Various stakeholders such as the SAPS; Moses Kotane Local Municipality and the Authority's CCA were in attendance to observe proceedings. The Licensee only convene one meeting as opposed to two meetings as required by the clause above.

The Licensee partially complies with clause 4.2.1 and 4.2.2 of its licence.

Clause 4.2.3 The Licensee shall to 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 held an AGM on 10 March 2018 and reported on the performance of the station. The AGM was not an elective one and therefore mainly dealt with programming, operational and financial performance.

The Licensee complies with clause 4.2.3 of its licence.

3.5 Programming

Clause 5.1.1 of the schedule to the licence provides that:

"The Licensee shall broadcast a total of one hundred and ninety-five (195) minutes of news per week and eighty (80) minutes on weekends. Fifty (50) minutes shall be local and provincial news, forty (40) minutes shall be national news and ten (10) minutes shall be international news"

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 Village FM is complying with programming obligations as outlined in the licence. Furthermore, it was uncertain whether news is broadcast every hour or in a single block as the Licensee sent incomplete recordings. However, the Licensee had previously reported that due to its old and outdated equipment, the station currently does not have any automated and synchronised recording system that archives its audio. The Licensee further explained that they were awaiting a promising commitment from the Department of Communications to upgrade their facilities to a digital studio.

The following were among the news items identified during the period under review:

- *"Sepodisi sa kwa Madikwe se tshwere babelaelwa ba le babedi ba dingwaga tse magareng ga masome a mane le bongwe le dingwaga di le masome a ma tlhano tebang le go utswa ditlhobolo go se mo molaong. Seno ke morago ga gore sepodisi se neiwe tshedimosetso ya gore babelaelwa ba mo mmileng o lebileng kwa Motseng wa Tlokweneng. Bobedi bono bo solofetse go tlhagelela kwa kgotlhatshekelo ya Magistrata wa kwa Madikwe mo letsatsing la kamoso." "Komisinara ya mono Bokone Bophirima, Lieutenant General Baile Motswenyane o akgotse sepodisi tebang le go tshwara babelaelwa bano."*
- *"Kgotlhatshekelo ya Magistrata wa Mogwase e letse e utlwile kopo ya bail mo letsatsing la mabane. Seno ke morago ga gore molatofadiwa wa dingwaga di le masome a mararo le botlhano, a tlhabe mosadi wa gagwe wa dingwaga di le masome a mane le bosupa, go fitlha a tlhokafala ko legaeng la bona, kwa Mabeleapoding. Sepodisi se mo tshwere kwa Kanana, gaufi le Rustenburg."*
- *"Setlhopa sa sepodisi sa kwa Boitokello, Phokeng se tshwere babelaelwa ba le babedi ka tatefatso ya diritibatsi. Babelaelwa bao ba tlile go tlhagelela kwa kgotlhatshekelo ya Magistrata wa Rustenburg mo letsatsing la gompieno."*

The Licensee does not comply with its news and information obligations.

Clause 5.1.2 Local Content:

"The Licensee shall broadcast a South African music content of 80%."

The monitoring exercise confirmed that Licensee broadcasts 80% of South African Music Content. This is above the minimum requirement of 60% and it shows a commitment by the Licensee towards supporting SA Music. Some of the artists featured on the Licensee's playlist include: Bongo Muffin; Lira; Heavy K; Sechaba and many others.

The Licensee complies with the South African Music Regulations.

Clause 5.1.3 of the schedule to the licence provides for the radio station's format as follows:

"60% Talk and 40% Music"

The monitoring exercise found that the Licensee broadcasts 60% of Talk and 40% of music. Whilst shows such as 'Reabatsosa' and 'Mphe Masa' have more music than talk, it can be concluded that overall, the Licensee broadcasts more talk than music. Shows such as 'Letlhabile' have discussions on health issues, community meetings and current affairs. Some of the topics discussed include trending stories such as Femicide, Body Positivity, and Spirituality. The show 'Maltisong' tends to have less formal discussions such as giving quirky relationship advice and cultural topics/issues.

The Licensee complies with clause 5.1.1 of its licence.

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:

5.1.4.1 Setswana – 85%;

5.1.4.2 English – 10%;

5.1.4.3 IsiZulu – 2%;

5.1.4.4 IsiXhosa – 2%; and

5.1.4.5 Afrikaans – 1%.

The monitoring exercise confirms that Setswana is the principal language of broadcast. The Licensee broadcasts in Setswana, except in some justified circumstances where listeners phone in, or the studio interviews that have to be conducted in English or other languages

for comprehension purposes. The exercise found that the Licensee did not make use of isiXhosa nor Afrikaans in its broadcast.

The Licensee partially complies with clause 5.1.4 of its licence.

Clause 5.2 of the licence stipulates that:

"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 does not submit its log of programmes as required by clause 5.2 in accordance with the Compliance Procedure Manual Regulations.

The Licensee does not comply with clause 5.2 of its licence.

3.6 Notices and Addresses

Clause 7 of the schedule to the licence stipulates that:

"The Licensee chooses the following as its principal addresses"

7.1 Postal Address: *Stand No. 613 Ralefoka Section Modimosana 2736*

7.2 Physical Address: *Stand No. 613 Ralefoka Section Mmatau Village 2736*

The Licensee confirms that its offices are still situated at the above-stated address and that there haven't been any changes in that regard.

The Licensee complies with clause 7 of its licence.

4. REGULATIONS

4.1 South African Music Content

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 60% of the musical works broadcast in the performance period to consist of South African music.

The Authority’s monitoring exercise confirmed that the radio station broadcasts an average of 80% of South African music content. Some of the artists featured on Village FM Community Radio Station’s playlists are: Bongo Muffin; Lira; Heavy K; Sechaba and many others.

The Licensee complies with the South African Music Content Regulations.

4.2 Regulations regarding Standard Terms and Conditions for Class Licensees

For the period under review, the Authority found that the Licensee has not updated its contact details on the licence, which still reflect details of a person who is no longer at the station. The Authority will raise this matter to ensure full compliance.

The Licensee does not comply with the regulations on Standard Terms and Conditions for Class Licensees.

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 disability.”

During the period under review, the Licensee did not indicate any measures of compliance with the accessibility requirements in accordance with the above Code and therefore does 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

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

5. CONCLUSION

The Licensee has generally complied with most of its licence conditions. The Licensee must ensure that it commits to its language obligations as stated in its licence, and if it is unable to do so, it must rather file for an amendment to the language clause on its licence.

6. TERMS OF REFERENCE

- 6.1** Annexure A: Village FM Community Radio Station 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.