



KGATLENG COMMUNITY RADIO ANNUAL COMPLIANCE REPORT

MARCH 2020

2018/2019 ANNUAL COMPLIANCE REPORT

KGATLENG COMMUNITY RADIO STATION

LICENCE PERIOD: 16 MAY 2018 - 15 MAY 2023

1. PREFACE

The Independent Communications Authority of South Africa ("the Authority") has a statutory mandate in terms of the Constitution, the ICASA Act, the Electronic Communications Act ("ECA") and the Broadcasting Act 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 Kgatleng FM 's compliance performance with the terms and conditions as set out in its licence for the 2018/2019 financial year. Aspects of compliance that are measured comprise of the Licence Area, Community, Programming, South African Music Content Regulations and Regulations regarding Standard Terms and Conditions for Class Licensees.

2. BACKGROUND

Kgatlung FM is a class broadcasting service licensee serving the geographic community of Moses Kotane Local Municipal area in the North-West Province. According to the Broadcast Research Council of South Africa, the listenership figures for the last quarter of the period under review is, 20 000¹.

3. COMPLIANCE ASSESSMENT

3.1 Licensee Details

Clause 1 of the schedule to the licence stipulates that:

- 1.1 Name of Company/Entity: Kgatleng Community Radio Station, registration number 100-439 NPO*
- 1.2 Name of the Station: Kgatleng Community Radio Station*
- 1.3 Control of Licensee: Control shall vest in the Board of Directors of a non-profit organization known as Kgatleng Community Radio Station.*

¹ <https://brcsa.org.za/brc-ram-listenership-report-oct18-mar19/>

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.

3.2 Licence Period

Clause 2 of the schedule to the licence stipulates that:

2.1 The effective date of the Licence is 16 May 2018

2.2 The Licence shall expire on 15 May 2023

During the period under review, the licensee submitted a renewal application and was issued a renewed community broadcasting services licence, valid until 15 May 2023.

The Licensee complies with clause 1 of the licence.

3.3 Licence Area

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

"The Licensee shall provide services to Moses Kotane Local Municipal area in the 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 schedule to the licence.

3.4 Community

Clause 4.1 of the schedule to 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 the areas in Moses Kotane Local Municipal area in the North West area. These include Sun City, Mogwase, Bafokeng and surrounding areas. However, the quality of recordings sent to the Authority was of a poor quality. It appears that, even from the station's own headquarters, there is a poor signal strength as the quality of sound is not very clear. The Compliance Department will take this matter up with the station for rectification.

The Licensee complies with clause 4.1 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:

"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 held one programming meeting on 23 November 2019. The licensee provided proof of the meeting held in the form of attendance register and minutes of meeting. From the licensee's submission, it is evident that the general meeting was not for the purpose of programming matters in accordance with clause 4.2.1 and 4.2.2 above.

The Licensee did not comply with clause 4.2.1 and 4.2.2 of the schedule to its licence.

Clause 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 license 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".

On 23 November 2019, the Licensee held an Annual General Meeting, which was a reporting and elective AGM. Several resolutions were taken at the AGM including the subject of relocation of studios. The board was given a task to seek possible locations of a new studio, as well as to revamp the station's website to ensure that there is brand visibility.

The Licensee complied with clause 4.3 of the schedule to its licence.

3.5 Programming

Clause 5.1.1 of the schedule to the licence provides for the radio station's format as follows:

"Local News and Information: The licensee shall broadcast a total of sixty (60) minutes of news per day, of which 50% shall be local news, 40% national news and 10% international news"

The monitoring exercise found that the licensee broadcasts news intermittently during weekdays. The news is mainly made of local announcements ranging from crime watch to funeral announcements. Although there were some instances of national news, this was not consistent due to the sporadic nature of the licensee's news schedule. The monitoring exercise found that an average of at least an twenty (20) minutes of news is broadcast daily in Setswana. The following is a sample of news items found during the period under review:

"Tseboso ka sekema see tsietsang batho madi, go dirisiwa leina la Bakubung Platinum Mine. Bareetsi ba tsebisiwa gore gona le sekgwomane sa batho seo se kayang fa badirela moepo wa Bakubung Platinum Mine gape ebile ba romilwe gore ba thape batho. Gape sekgongwana se se dira tse di latelang: Ba etela mafelo a farologaneng mme ba bolelele ka di patlatiro kwa moepong wa Bakubung Platinum Mine. Ba bua fa o tshwanetse go letsetsa mongwe yo leina la gage eleng Malapane mo di nomoreng tsa megala e latelang 076 703 4170 kgotsa 082 750 7221.

Ba dirisa email ya idarebakubung@gmail.com, ba dirisa fax number ya 086 454 4602. Gape bat samaya ba naya batho di foromo tsa tiro, gore mongwe le mongwe yo batlang tiro, a di tlatse. Morago ga moo, ba bangwe bare mongwe le mongwe a tlise madi a kanang ka R990.

Tseboso ka nomoro ya mogala wa 065 611 8770 ye romelelang melaetsa ka go tshepisa batho ditiro, mme mong wa yona a battle pipamolomo morago a nyamele. Mong wa nomoro eo o rata go dira se ko baaging ba Mogwase, Rustenburg le mafelo a mabapi.

Tseboso go bakgwetsi bao ba kwetsang mo tseleng ya N4 Pilanesberg Road gotswa kwa Motseng wa Tsitsing le Maile, gona le monna mongwe yo robalang thoko ga tsela, a itira gore o thuntshitswe kgotsa o thutswe ke koloi. Fa o ema jaaka mokgwetsi o ya go thusa, o na le ditsala tsa gage tse di iphtlhileng mo sekgweng. Mme monna yo le ditsala tsa gage ba dira tse di latelang fa ba se na go go tshwara: Ba go gototsa ka dikgoka ba dirisa tsotlhe jaaka megala ya letheke le madi. Ba batla ka dikgoka, nomoro ya gago ya sephiri ya polokelo. Ba go bofa le go go tseela sejanaga. Monna yo o rata go dirisa ditsela tsa Lethabong Four Way Stop, le fa o ya Pretoria. Monna yo o apara blue jean, green tshirt, white sneakers. O rata go robala thoko ga tsela ka di ira tsa gongwe ura ya bongwe mo mesong, le ya bone mo mesong."

The licensee does not comply with its news and information obligation.

Clause 5.1.2 of the schedule to the license provides that:

"South African Music Content: 60%"

The monitoring exercise confirmed that licensee broadcasts an average of seventy percent (70%) of South African Music Content. This is in line with the South African Music Content Regulations.

The Licensee complies with its South African Music Content obligation.

Clause 5.1.3 Local Content:

"Talk vs Music: 60% Talk and 40% Music."

A radio station with a format of 60% Talk and 40% Music will have to broadcast 648 minutes of Talk 432 minutes of Music as per the standard definition of the performance period. The monitoring exercise found that the radio station complies with its prescribed format.

This was evident on some of its shows such as *Community Talk* aired on weekdays between 18:00 – 19:00. The show is a current affairs programme that deal with topical issues with specific relevance to the audience in the coverage area. Issues discussed include unemployment, working at mines in the area and related matters.

The licensee complies with clause 5.1.3 of its licence.

3.6 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 – 90%;

5.1.4.2 English – 10%

The monitoring exercise confirmed that the principal language of broadcast is Setswana. This is evident throughout its regular programming and news content, with minimal English.

The licensee complies with its language obligation.

Clause 5.2 of the schedule to the licence provides 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"

Although the Licensee keeps a log of programmes, it does not submit these log sheets to the Authority on a monthly basis as required.

The licensee does not comply with clause 5.2 of the schedule to 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 seventy percent (70%) of South African music content to be played by community sound broadcasting licensees.

The Authority's monitoring exercise confirmed that the radio station broadcasts 70% of South African Music Content. Various genres were identified on the station's music line-up including Traditional Setswana music on the show *Melodi ya bothaka*; Gospel; House; Afro Jazz; Hip Hop and Kwaito with artists such as - *Culture Spears; Shumba Ratshega; Captain Dira; Rebeca Malope; Mandoza; Jaziel Brothers* and many others.

The Licensee complies with the South African Music Content Regulations.

4.2 Regulations regarding Standard Terms and Conditions for Class Licenses

For the period under review, the Authority did not find any area of non-compliance with the standard terms and conditions for class licences.

The Licensee complies with the Regulations on Standard Terms and Conditions for Class Licenses.

5. CONCLUSION

The licensee is struggling to meet its obligations on some of the content related obligations on its licence, such as news and information. Furthermore, the licensee failed to hold its two (2) programming related meetings annually. The Compliance Department will engage with the Licensee to ensure full compliance in its next reporting period.

6. TERMS OF REFERENCE

- 6.1 Kgatleng FM Class broadcasting service and spectrum licence
- 6.2 Regulations on South African Music Content
- 6.3 Regulations on Standard Terms and Conditions for Class Licences