



MAMS FM ANNUAL COMPLIANCE REPORT

MARCH 2020

2018/2019 ANNUAL COMPLIANCE REPORT

RADIO MAMS FM BROADCASTING AS MAMS FM

LICENCE PERIOD : 12 FEBRUARY 2019 – 11 FEBRUARY 2024

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 Mams 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, Regulations regarding Standard Terms and Conditions for Class Licensees.

2. BACKGROUND

Mams FM is a class broadcasting service licensee serving the geographic community of Mamelodi and Eersterust and surrounding areas in Gauteng Province. According to the Broadcast Research Council of South Africa, the listenership figures for the last quarter of the period under review is 31 000¹.

3. COMPLIANCE ASSESSMENT

3.1 Licensee Details

Clause 1 of the schedule to the licence stipulates that:

1.1 Name of Company/Entity: Radio Mams FM

1.2 Control of Licensee: Control shall vest in the Board of Trustees of Radio Mams FM.

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.

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

3.2 Licence Period

Clause 2 of the schedule to the licence stipulates that:

"The effective date of the Licence is 12 February 2019"

"The Licence shall expire on 11 February 2024"

During the period under review, the licensee submitted a renewal application and was issued a renewed community broadcasting service valid until 11 February 2024.

The Licensee complied 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 Mamelodi and Eersterust and surrounding areas in Gauteng 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. Furthermore, there were no issues reported to the Authority regarding the Licensee's coverage of its areas.

The Licensee complied 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 Mamelodi, Eersterust and surrounding areas in the eastern parts of the Tshwane Metropolitan Municipality. The station has not indicated any difficulties in reaching all their licenced 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 complied 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 did not submit any information regarding meetings held with its community regarding programming and programming policies of the station.

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 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".

In a full-length report of AGM, the licensee submits that it has been engulfed with various challenges, some of which were out of the stations' control, such as the tragic unexpected death of the Chairperson of the Board in 2018 which was a setback in terms of its ongoing drive to canvas for membership for the station. There seems to be no interest from the community on becoming active members of the station as calls to join, have been ignored. These include door to door campaigns, on air promos and approaching organizations to join and become members of the station. This trend is not new in community broadcasting services where community members tend to only become interested where there are problems.

The licensee in essence, reports that it has been unable to conduct a successful AGM due to the lack of interest in membership from the community, however, it intends to convene an AGM in June 2020.

The Licensee did not comply with clause 4.2. of the schedule to its licence.

3.5 Programming

Clause 5.1.1 of the schedule to the licence provides that:

"The Licensee shall broadcast a total of ninety (90) minutes of news per day, of which 45% shall be local, 35% national and 20% international news."

The monitoring exercise found that the licensee broadcasts news between 07:00 – 17:00 weekdays with a diverse mixture of local, national and international news. Majority of the news are from the station's coverage area. The monitoring exercise further found that an average of eighty-eight (88) minutes of news is broadcast daily in various languages including English, Sepedi and Setswana. The following is a sample of news items found during the period under review:

- "Lieutenant-General Elias Mawela has been appointed as Gauteng's new police commissioner. The official announcement was made by Police Minister Bheki Cele at the Mamelodi East Police Station on Wednesday morning. Cele said Mawela was a seasoned police officer and expressed that he will use his experience to "nail criminals". Mawela, 51, is a career police officer who has held top positions in the South African Police Service (SAPS) such as Divisional Commissioner of the Division: Operational Response Service, as well as head of the National Joint Operational and Intelligence Structure (NatJOINTS).*
- Mawela replaces Lieutenant-General Deliwe de Lange, who resigned at the end of October. Gauteng Premier David Makhura, Community Safety MEC Sizakhele Nkosi-Malobane, together with National Police Commissioner General Khehla Sithole, joined Cele in announcing the re-organisation of the SAPS in Gauteng. The newly appointed majors-general would be leading various police stations in Gauteng to ensure crime is brought to its knees, Sithole said. Makhura said Mawela was greatly welcome in Gauteng and he was pleased that Mawela had a "great track record" of busting criminals in various operations. He added that criminals must know "the police are coming for them". Makhura said that 26 wanted criminals had been arrested in Mamelodi during an operation on Wednesday morning. He added that he wanted the top 20 wanted criminals in Gauteng arrested within the next three months.*
- A woman who was asleep when her house started burning was rescued unharmed. This is according to Bull Security spokesperson French Jooste, who said they had received a call from one of their clients informing them that their neighbour's house was on fire. Bull Security reaction and tactical units responded to the scene in Moreleta Park. "Upon arrival we found the family running out to ask for help as one family member was still inside sleeping." "Our reaction officers entered the house*

where they found the lady sleeping in a lot of smoke.” Jooste said they helped the woman out of the house and started to put out the fire. “The fire brigade also arrived to assist in putting out the blaze.” He said everyone was safe with no injuries. The family was treated for smoke inhalation and the woman transported to hospital by Axon hi-risk. The cause of the fire was still unknown.

- The public service and administration minister is concerned about allegations of bullying and unfair treatment of junior employees in the workplace. Minister Ayanda Dlodlo was responding to a Public Service Commission report last month alleging that cases of misconduct and other grievances against senior managers were not being investigated by employers.*
- Dlodlo said she had instructed the labour and human resources units of the department to follow up on such allegations and uncover cases across the public service with immediate effect. “We are concerned about such allegations of unfair treatment of junior employees. This not only reflects badly on our disciplinary system as the public service, it also dampens the morale of these employees and affects workplace productivity and relations,” she said. Dlodlo said although some laws decentralised discipline to respective heads of departments, “which makes it difficult for us to detect such cases immediately”, they had to make sure the ill-treatment was being investigated and dealt with decisively. The minister said they would by 31 March 2019 establish a technical assistance unit to strengthen the fight against corruption and establish ethics and integrity”.*

The Licensee partially complied with its news and information obligations.

Clause 5.1.2 Local Content:

“South African Music Content: 70%.”

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 complied with the South African music content quota.

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

“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. During the performance under review, the monitoring exercise found that the radio station complies with its prescribed format.

This was evident from some of its shows such as *Mams Talk* aired on weekdays between 19:00 – 21:00. This is a current affairs programme that deal with topical issues of the day that particularly affect the audience in the coverage area.

The licensee complied with clause 5.1.1 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 English – 30%;

5.1.4.2 Setswana/Sepedi – 30%;

5.1.4.3 isiNdebele – 10%;

5.1.4.4 XiTsonga – 10%;

5.1.4.5 Mamelodi Lingo – 10%; and

5.1.4.6 Afrikaans– 10%.

The monitoring exercise found that the principal languages of broadcast are English and Setswana/Sepedi and a balanced mix of other languages as per clause 5.1.4 of its licence.

The Licensee complied with clause 5.1.4 of its licence

3.7 Promise of Performance

Clause 8.1 of the schedule to the licence stipulates that:

"The Licensee shall broadcast programmes to combat crime, drug abuse, poverty and HIV/Aids."

The monitoring exercise found the Urban Flow, Mams Navigation and After Effects as some of the programming that deal with various issues such as HIV/Aids as well as crime and drug abuse. These shows are conducted in relatable language that is prominent in the Mamelodi region.

The Licensee complied with clause 8 of its licence.

3.8 Special Conditions

Clause 9.1 of the schedule to the licence stipulates that:

"The Licensee must within ninety (90) days from the date of issuance of this licence hold its Annual General Meeting (AGM) to elect new board members."

Since being issued with its licence on 12 July 2019, the licensee has not yet held an AGM to elect board members. The licensee reports that it is in the process of soliciting membership in order to convene a legitimate AGM, that will be able to elect board members. The licensee anticipates that this will be ready to convene such AGM by June 2020.

The licensee did not comply with clause 9 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 is that, at least seventy percent (70%) of South African music content, should be played by community sound broadcasting licensees.

The Authority's monitoring exercise confirmed that the radio station broadcasts an average of 70% of South African music content. Some of the artists featured on Mams FM's playlists are: *Siphokazi; Zonke; Thandiswa; The Soil* and many others.

The Licensee complied with the South African Music Content Regulations.

4.2 Regulations regarding Standard Terms and Conditions for Class Licences

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 complied with the regulations on Standard Terms and Conditions for Class Licences.

5. CONCLUSION

The licensee has generally complied with most of its licence conditions, except for the community participation element, such as convening an AGM and the shortfall of the minutes of news broadcasts. This has been a problematic aspect for the licensee and the Compliance Department will be engaging the station further regarding this important matter. Its commitment to South African Music Content as well as its dedication to producing consistent and relevant news is recognised.

6. TERMS OF REFERENCE

6.1 Annexure A: Mams FM Class Broadcasting Service and Spectrum Licence;

6.2 Annexure B: Regulations on South African Music Content; and

6.3 Annexure C: Regulations on Standard Terms and Conditions for Class Licences.