



UMGUNGUNDLOVU COMMUNITY RADIO ANNUAL COMPLIANCE REPORT

MARCH 2020

2018/2019 ANNUAL COMPLIANCE REPORT

UMGUNGUNDLOVU COMMUNITY RADIO RADIO

LICENCE PERIOD: 12 FEBRUARY 2018 TO 11 FEBRUARY 2023

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. One of the main tasks of the Authority, is to monitor compliance by broadcasters with the terms and conditions of their licence, and any relevant legislation and Regulations.

The purpose of the report is intended to give account of Umgungundlovu Community Radio’s performance for the 2018/2019 financial year. Aspects of compliance that are measured comprise of the Geographic Coverage, Community, Programming Obligations, Compliance Procedure Manual Regulations, South African Music Content Regulations and Regulations Regarding Standard Terms and Conditions.

2. BACKGROUND

Umgungundlovu Community Radio holds a Class Sound broadcasting service Licence⁵. The radio station’s mandate is to provide a sound broadcasting service to the community of Umgungundlovu district in KwaZulu Natal Province, as set out in the Licensee’s radio frequency spectrum licence.

3. COMPLIANCE ASSESSMENT

3.1 Control Structure

Clause 1 of the licence states that:

“The Licence is issued to:

1.1 Name of Entity: Umgungundlovu Community Radio.

1.2 Name of the Station: Umgungundlovu Community Radio.

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 Appendix A: Kangala Community Radio Station’s broadcasting service licence.

1.3 *Control of the Licensee: Control shall vest in the Board of Directors of Umgungundlovu Community Radio”.*

There were no changes reported by the Licensee to its control structure during the period under review. The licensee is still Umgungundlovu Community Radio. The name of the Licensee’s radio station is Umgungundlovu Community Radio and the control of the Licensee is in the hands of the Board of Directors of Umgungundlovu Community Radio.

The Licensee complies with sub-clauses 1.1 to 1.3 of the schedule to its licence.

3.2 Licence Period

Clause 2 of the schedule to the licence states that:

“2.1 The effective date of the Licence is 12 February 2018.

2.2 The Licence shall expire on 11 February 2023.”

Umgungundlovu Community Radio’s licence was renewed in 2018. The Licensee shall be reminded of its eligibility to submit a renewal application in accordance with the prescribed regulatory timeframes.

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

3.3 Licence Area

Clause 3 of the schedule to the licence stipulates that:

“The Licensee shall provide services in Umgungundlovu District in KwaZulu Natal Province as set out in the Licensee’s radio frequency spectrum licence”.

The Licensee’s coverage area remains as prescribed in the licence terms and conditions. In the year under review, the Authority did not receive any reports or complaints indicating that the radio station has gone beyond its licenced area.

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

3.4 Community

Clause 4.1 of the schedule to the licence states that:

“The Licensee shall provide services to the geographic community residing within the geographic coverage area specified herein”.

The Licensee confirms that its services are offered to the geographic community of Umgungundlovu District in KwaZulu Natal Province.

The Licensee complies with sub-clause 4.1 of the schedule to its licence.

Clause 4.2 of the schedule to the licence stipulates 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 at least two (2) general 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; and

The Licensee has held one (1) programming meeting with the community on 06 January 2019 and forwarded the minutes and attendance registers of that meeting to the Authority.

The Licensee partially complies with sub-clause 4.2.1 and 4.2.2 of the schedule to its licence.

The clause on the Annual General Meetings (AGM), in the licence stipulates that:

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”.

The Licensee convened its Annual General Meeting (AGM) on 18 August 2019, amongst other things discussed at the AGM, was the setting up of “*program listening groups*” for the purposes of electing representatives to form part of the radio stations programmes advisory committee. The Licensee submitted the AGM minutes, attendance registers and financial statements to the Authority.

The Licensee complies with sub-clause 4.2.3 of the licence.

3.5 Programming

Sub-clause 5.1 of the schedule to the licence states that:

"The Licensee shall provide programming as follows:

Clause 5.1.1 of the licence, in terms of news and information, stipulates that:

The Licensee shall broadcast a total of 285 minutes of news per day of which 70% shall be local, 20% national and 10% international news.

The Licensee broadcasts the main news bulletins at the top of the hour and news headlines at the bottom of the hour from 06h00 to 17h00 daily. The main news bulletins are an average of three (3) minutes in duration and the news headlines are an average of fifteen (15) seconds in duration. The Licensee broadcasts twelve (12) news bulletins and eleven (11) news headlines per day, a total average of news broadcast per day is thirty eight (38) minutes and forty five (45) seconds.

Among the news stories covered for the period under review were excerpts from some broadcasts, as follows:

- *"Omaspala abahlanu kwaZulu Natal bakweleta inkampani kagesi u Eskom imali engango 350 000 000 wama randi.";*
- *"Loyo owayengu Mongameli umnumzana u Jacob Zuma uthule ubufakazi bakhe kwi Nkomishana ka Zondo esukwini layi zolo. Kwinkulumo yakhe uqale wabonga usihlalo, wathi unomkhuhlane, wathi lapha e South Africa kufuneka sihloniphane kukhona abamsabisayo abafuna ukumbulala."; and*
- *"Isihlabane somculi u Johnny Clegg usedlulile emhlabeni. U Clegg oneminyaka engu 66 ubulawe ngumdlavuzi, ushiya ngasemuva inkosikazi yakhe nendodana eneminyaka engu 31".*

The Licensee does not broadcast news in all languages of broadcast, as required by the licence. Further, does not broadcast the required minutes of news and information.

The Licensee does not comply with sub-clause 5.1.1 of its schedule to the licence.

Clause 5.1.2 of the licence provides that:

South African Music Content: 70%.

The Authority's monitoring exercise determined that Umgungundlovu Community Radio broadcasts between 85% and 90% South African music. For the period under review, "Sondela Breakfast Show" hosted by Nomusa and Mr Kool between 6h30 and 09h00 only broadcast South African music. The artists that were featured are: *Lusanda Spiritual Group "Nicodima", Thobekile "Icilongo", Sfiso Ncwane "Yingakho Ngihlabelela", Kabelo Mabalane "Its my house", Joe Nina "Ding Dong"* and many more. In some instances four (4) music tracks are broadcast back to back without interruption.

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

Clause 5.1.3 of the licence provides that the format is as follows:

Talk vs Music: 40% talk and 60% music.

The monitoring exercise also confirmed that the Licensee plays more music and there is less talk.

Clause 5.1.4 of the licence provides that:

Language(s) of broadcast:

5.1.4.1 isiZulu – 81%

5.1.4.2 English – 16%

5.1.4.3 Other languages – 2%; and

5.1.4.4 Afrikaans – 1%".

IsiZulu is the primary language of broadcast, presenters converse in mainly in isiZulu and advertisements and public service announcements are made in isiZulu. English can be heard during sport broadcasts and when presenters are playing voicenotes and reading Facebook messages. Other languages that were heard are Sotho and SeTswana greetings. However, Afrikaans was not detected during the monitoring exercise.

The Licensee complies with most provisions of sub-clause 5.1.4 except for the use of Afrikaans.

The Licensee partially-complies with sub-clause 5.1 of the schedule to its licence.

Sub-clause 5.2 of the schedule to the licence stipulates 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".

The Licensee regularly submits a log of programmes broadcast to the Authority on monthly basis as required by sub-clause 5.2.

The Licensee complies with sub-clause 5.2 of the schedule to its licence.

Clause 8 of the schedule to the licence provides for "**PROMISE OF PERFORMANCE**" details of which, are all as listed below.

"The Licensee shall broadcast programmes on information, education and entertainment".

For the period under review, the monitoring exercise detected that during the "*Sondela Breakfast Show*", was a public service announcements by the KwaZulu Natal Department of Education. Dr Mngadi was also a guest on the show to discuss the importance of blood and its functions as well as diseases associated with blood.

The Licensee complies with clause 8 of the schedule to its licence.

4. REGULATIONS

4.1 ICASA Compliance Procedure Manual Regulations, 2011

The Licensee is required, in terms of the ICASA Compliance Procedure Manual Regulations, 2011 as published in *Government Gazette* No. 34863 dated, 15 December 2011 to submit a Form 12A which report on all complaints received during the financial year under review.

For the year under review, the Licensee submitted a complaints report and reported that there were no complaints and other submissions as required by the Compliance Procedures Manual Regulations.

The Licensee complies with the ICASA Compliance Procedure Manual Regulations.

4.2 ICASA South African Music Content Regulations, 2016⁶

Schedule 3.3 of the on ICASA South African Music Content Regulations, 2016 provides that: "*A holder of a Community Sound Broadcasting service licence must ensure that after eighteen months (18) from the date gazetting of these Regulations, a minimum of 60%*

⁶ Published in *Government Gazette* No. 39844 dated, 23 March 2016. Copy thereof also included as Appendix B.

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 performance period”.

The Authority’s monitoring exercise confirmed that the Licensee broadcasts between 85% and 90% South African music – **see 3.5 above.**

The Licensee complies with the South African Music Content Regulations.

4.3 Regulations Regarding Standard Terms and Conditions for Class Broadcasting Licences⁷

Regulation 2 (1) (d) of the Regulations Regarding Standard Terms and Conditions for Class Licensees provides two fundamental regulations that are constantly and continuously used to measure a Class Licensee’s compliance. The two regulations are Regulation 2(1) and the sub clauses, along with Regulation 9 in its entirety.

The Authority is satisfied that during the period under review the Licensee did not contravene the Regulations on Standard Terms and Conditions for Class Licences.

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

5. CONCLUSION

Umgungundlovu Community Radio generally complied with most provisions of its licence conditions and applicable regulations. The areas of non-compliance will be brought to the attention of the Licensee. The Authority will continue to monitor the compliance of the Licensee during the next financial year.

6. TERMS OF REFERENCE

6.1 Appendix A: Umgungundlovu Community Radio’s broadcasting service licence;

6.2 Appendix B: AGM – Umgungundlovu;

6.3 Appendix C: Programming meeting;

6.4 Appendix D: Annual Financial Statements;

6.5 Appendix E: Umgungundlovu Complaints Report;

6.6 Appendix F: AGM Attendance registers;

⁷ Published in *Government Gazette* No. 33296 dated, 14 June 2010, as amended. Copy thereof also included as Appendix C.

- 6.7** Appendix G: ICASA South African Music Content Regulations, 2016;
- 6.8** Appendix H: Standard Terms and Conditions for Class Broadcasting & Electronic Communications Network Services, 2010, as amended; and
- 6.9** Appendix I: ICASA Compliance Procedure Manual Regulations, 2011 as published in Government Gazette No. 34863 dated, 15 December 2011.
(re: submission of Form 12A: ECN/S and BS Complaints Reporting).