



KOVSIE FM ANNUAL COMPLIANCE REPORT

MARCH 2021

2019/2020 ANNUAL COMPLIANCE REPORT

UNIVERSITY OF THE FREE STATE BROADCASTING AS KOVSIE FM

Licence Period: 27 October 2018 – 26 October 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. 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 Kovsie FM’s compliance performance with the terms and conditions as set out in its licence for the 2019/2020 financial year. Aspects of compliance that are measured comprise of the Licence Area, Community, Programming, South African Music Content Regulations and the Regulations regarding Standard Terms and Conditions for Class Licensees.

2. BACKGROUND

Kovsie FM is a community of interest based, class broadcasting licensee serving the interests and needs of Mangaung Metropolitan Municipality and surrounding areas in the Free State Province. The radio station is situated at the University of Free State, Bloemfontein campus. According to the Broadcast Research Council of South Africa (BRC), the listenership figures for the last quarter of the period under review, it is 5 000⁵.

3. COMPLIANCE ASSESSMENT

3.1 Licensee Details

Clause 1 of the schedule to the licence stipulates that:

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-listenership-report-jan19-dec19/>

- 1.1 *Name of entity: University of the Free State*
- 1.2 *Name of the Station: Kovsie FM*
- 1.3 *Control of Licensee: Control shall vest in the Council of the University of the Free State.*

There were no changes reported by the Licensee regarding its name and ownership.

The Licensee complies with clause 1 of schedule to its 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 2018

2.2 The Licence shall expire on 26 October 2023

Kovsie FM's licence was renewed in 2018, therefore the station is in possession of a valid broadcasting licence.

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

3.3 Licence Area

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

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

Kovsie FM has a footprint in the Mangaung Metropolitan area and its surrounds. The Licensee confirms that its footprint remained unchanged.

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

3.4 Community

Clause 4.1 of the schedule to the licence requires the radio station to:

"The Licensee shall provide services to the community of interest being the youth between ages of 14 and 26 years at the campus and surrounding educational institutions within the geographic coverage specified herein."

The licensee submits that its typical listener is, for example, a 20-year old BCom student, who speaks English but also understands Sesotho and Afrikaans. The listener is also quite active on social media, has plenty of friends and is an extrovert.

The monitoring exercise found that the music selection is youthful, urban and trendy. The topics on the various programmes appeal mainly to students and are broadly about university life.

The Licensee complies with clause 4.1 of the schedule to the 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 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 the members of the community;

The Licensee held an AGM on 01 March 2019 to report on the station's performance and to allow for the participation of its members on programming matters. The licensee also submitted proof of the meeting in the form of minutes and attendance register.

However, the clause provides that Licensee should convene two (2) programming meetings with its community and by its own submission the Licensee confirms that it held one programming related meeting during its Annual General Meeting.

The Licensee partially complies with clause 4.2.1 and 4.2.2 of schedule to the 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".*

The licensee submits that it held an AGM on 01 March 2019. This was for reporting purposes and programming content discussions. Various reports were presented and adopted in accordance with the station's governing documents.

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

3.5 Programming

Clause 5.1 of the schedule to the licence provides for the radio station's programming as follows:

3.5.1 News and Information

Clause 5.1.1 of the schedule to the license provides that:

"The Licensee shall broadcast a total of seventy-two (72) minutes of news per day. Fifty (50) minutes shall be local, twelve (12) minutes shall be national and ten (10) minutes international news. Local news shall include news from the community produced by the radio station on issues affecting the community"

The monitoring exercise indicate that the radio station does not broadcast any news bulletins. The issue of lack of news or inconsistent news broadcasting has been highlighted before and the licensee doesn't appear to have taken any corrective measures since then. The licensee, however, adheres to its sports bulletins.

The Licensee did not comply with 5.1.1 of the schedule to its licence.

Clause 5.1.2 of the schedule to the license provides that the Local Content should be:

"South African Music Content: 80%. The Licensee must ensure that South African Music Content is spread evenly throughout the performance period."

The monitoring exercise found that the licensee broadcasts 81% of SA Music content.

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

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

"25% Talk and 75% Music"

The monitoring exercise found that the licensee is consistent in its format of urban contemporary music station appealing to young people.

The Licensee complies with clause 5.1.3 of the schedule to 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 Afrikaans – 20%;

5.1.4.2 English – 60%; and

5.1.4.3 Sesotho – 20%.

The monitoring exercise found that English is the primary language of broadcast, with some Sesotho found on some of the programmes. However, the monitoring exercise could not find any Afrikaans content.

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

4. PROMISE OF PERFORMANCE

Clause 8 of the schedule to the licence states as follows:

8.1 "60% of the Licensee's programming shall be aimed at education, health issues, literacy and information to the community. This will include informal education such as skills development."

The monitoring exercise found a generally educational theme across programmes. These shows touch on educational issues such as student accommodation; exam preparations and sporting opportunities.

8.2. *"The Licensee shall establish and maintain democratically elected Advisory Panels including representatives of community-based organisations, non-governmental organisations and individual members from its coverage area in the promotion of community issues and ensure that democratic principles are adhered to in its structures and organisations"*

The Licensee, as a campus radio station has various advisory roles for mainly university leaderships from various departments. The Licensee confirms other advisory memberships with local organisations aligned to university's broader mandate.

8.3. *"The Licensee shall develop programming for children, youth, adults, the elderly and people with disabilities in the community"*

The Licensee's programming is aimed at a youthful audience. Furthermore, the licensee's programming meets the basic conditions of the broadcasting code of conduct. The licensee submits that it does not practice any discrimination in whatever form.

The Licensee complies with clause 8 of its licence.

5. REGULATIONS

5.1 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".

The Authority's monitoring exercise found that the licensee plays at least 80% of SA Music Content. Artists featured on Kovsie FM's music selection include Bower Bosch; Rouge; AKA; Emtee; Black Motion; Msaki; Press; Stino Le Thwenny; Shuffle Musik and Master Piece; Blaq Diamond and many others.

The Licensee complies with the South African Music Content Regulations.

5.2 Regulations regarding Standard Terms and Conditions for Class Licences

There were no incidents of non-compliance with the Standard Terms and Conditions for Class Licences committed by the licensee during the period under review.

The licensee complies with Standard Terms and Conditions for Class Licences Regulations.

6. CONCLUSION

The licensee partially complied with its licence conditions. The Authority will take up matters of non-compliance with the licensee for corrective measures or licence amendments if necessary.

7. TERMS OF REFERENCE

7.1 Appendix A: Kovsie FM Class broadcasting service and spectrum license

7.2 Appendix B: Regulations on South African Music Content

7.3 Appendix C: Regulations on Standard Terms and Conditions for Class Licences

End

March 2021