



LEKOA FM ANNUAL COMPLIANCE REPORT

MARCH 2021

2019/2020 ANNUAL COMPLIANCE REPORT

LEKOA MULTI-MEDIA AND COMMUNICATION DEVELOPMENT CENTRE BROADCASTING AS LEKOA FM

LICENCE PERIOD: 15 OCTOBER 2017 to 14 OCTOBER 2022

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 Act to regulate broadcasting activities in the public interest. The Authority has a mandate to ensure compliance by broadcasters with the terms and conditions of the licence, the ECA, the ICASA Act and any other relevant legislation and Regulations.

The purpose of the report is to give account of Lekoa FM Radio Station's compliance with the terms and conditions as set out in its licence for the 2019/2020 financial year. Aspects of compliance that will be measured comprise Geographic Coverage, Community Participation, Programming, Format, News and Information, Local Content Obligation, Language(s), South African Music Content Regulations, Regulations Regarding Standard Terms and Conditions.

2. BACKGROUND

Lekoa FM Radio Station ("Lekoa FM") is a class broadcasting service Licensee providing services to a geographic community residing in the Sedibeng District Municipality area in the Gauteng Province. The radio station provides a programming format that is a mix of talk, radio and music.

3. COMPLIANCE ASSESSMENT

3.1 Control Structure

Clause 1 of the schedule to the licence provides that:

"The Licence is issued to:

¹ The Constitution of the Republic of South Africa, No 108 of 1996

² ICASA Act No 13 of 2000, as amended

³ Electronic Communications Act No 36 of 2005

- 1.1 *Name of company/entity: Lekoa Multi-Media and Communication Development Centre.*
- 1.2 *Name of Station: Lekoa FM Radio Station.*
- 1.3 *Control of the Licensee: Control shall vest in the Board of Directors of an association known as Lekoa Multi-Media and Communication Development Centre”.*

There were no changes reported by the Licensee to its company name and control structure during the period under review.

The Licensee complies with clauses 1 of the schedule to its licence.

3.2 Licence Period

Clause 2 of the schedule to the licence provides that:

"2.1 The effective date of the licence is 19 December 2018; and

2.2 The licence shall expire on 18 December 2023.”

The licence is currently up to date and only expires on 18 December 2023.

3.3 Licence Area

Clause 3 of the schedule to the licence provides that Lekoa FM’s coverage area is as follows:

"The Licensee shall provide services to Sedibeng District Municipality in the Gauteng Province as set out in the Licensee’s radio frequency spectrum licence”.

The Licensee confirmed that it provides a service to licensed area as set out in the Licensee’s radio frequency spectrum licence.

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 provides that:

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

The Licensee submitted and confirmed that it provides a sound broadcasting service as prescribed in its licence.

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

Clause 4.2 of the schedule to the licence provides 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) meetings annually with its community on programming and programme-related matters for the selection and provision of programmes; and

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".

During the period under review, the Licensee did not submit any information regarding meetings held with its community regarding programming and programming policies of the station.

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

Further, clause 4.2.3 provides that:

"The Licensee shall hold an Annual General Meeting 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 any Special Annual General Meeting as and when required by the Constitution; 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 confirmed submitted minutes and registers of an Annual General Meeting that was held on 24 October 2019. This was a reporting AGM.

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

3.5 Programming

Clause 5.1 of the schedule to the licence provides that:

"The Licensee shall provide programming as follows":

5.1.1 Local News and Information: The Licensee shall broadcast news to a total of three hundred and fifty-five (355) minutes per week, of which 50% shall be local news, 30% shall be national news and 20% shall be international news."

The Authority's monitoring exercise revealed that the Licensee broadcasts a total of two hundred and forty (240) minutes of news during the week and an average of fifty-two (52) over the weekend, which amounts to two hundred and ninety-two minutes per week. The news bulletins are broadcast in Sesotho, isiZulu and in English and they cover national news. No local and international news were identified during the monitoring exercise.

The following are some of the news items that were identified:

- "It is unclear when academic activities will resume at Tshwane University of Technology's main campus. Protesting students at the Pretoria West Campus blocked the entrance to the institution on Monday morning. Students say their grievances include the alleged corruption at the University, NSFAS and student accommodation.*
- Amaphoyisa asazingela lezizibhamu ezahlasela i-ambulance eKhayelitsha kulelisonto. Ababili bezimo eziphuthumayo bame endaweni ehlala eMakhaza ezintathakusa zangoLwesithathu ekuseni beyolanda imishini yezokwelapha. Kepha obekushiwo wukuthi kube ukuvakasha kafushane kucishe kwabiza iimpilo zabo. Ngemuva kokumiswa eMakhaza omunye wabasizi wezimo eziphuthumayo ungene ngaphakathi endlini ngenkathi umshayeli elokhu ebheke emotweni. Akubanga yis'khathi eside ngaphambi kokuba kuboshwe abasolwa abathathu abahlomile.*
- Democratic Alliance, DA ka bokgutshwanyane, e hlahisitse matshwenyeho mabapi le ho se sebetse ha Tonakgolo ya Tshebedisano-Mmoho e leng Lebogang Maile ho nka kgato kgahlanong le ditho tsa African National Congress le ditho tsa Economic Freedom Fighters bakeng sa ho tswa dikopanong tse mmalwa tsa Lekgotla. Sena se latela phatlalatso ya Tonakgolo David Makhura ya ho fedisa Lekgotla la Tshwane. Qeto eo e fihlile nakong ya mathata a boetapele ba motse ka mora ho itokolla ha Ramotse wa DA e leng Stevens Makgalapa kgwedding e fetileng. Motsamaisi wa Toropo wa nakwana Makgorometja Makgata, kontraka ya dikgwedi tse tharo ya hae le yona e fedile.*

Makhura o re ho tla kgethwa motsamaisi ho tsamaisa Mmasepala wa Tshwane ho fihle Lekgotla le letjha le kgethwa nakong ya matsatsi a mashome a robedi”.

The Licensee does not broadcast two hundred and fifty-five (255) minutes of news per week as prescribed in clause 5.1.1 and does not broadcast news in all languages of broadcast.

The Licensee did not comply with its news obligation.

Clause 5.1.2 of the licence provides that:

"South African Music Content: 75%"

The Authority's monitoring exercise confirmed that the radio station broadcasts approximately eighty percent (80%) of South African music content.

The Licensee complies with its South African Music Content obligations.

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

"65% Talk and 35% Music"

The monitoring exercise revealed that the Licensee's shows are a mixed blend of music and talk, but with more music. The station has discussions throughout the day and interviews on issues that affect the community. There is also a lot of listener interaction. The monitoring exercise confirmed that the Licensee's format is not as prescribed in the licence as it is more music than talk.

The Licensee did not comply with its prescribed format.

Clause 5.1.4 of the licence provides that:

Language(s) of broadcast:

5.1.4.1 English – 50%;

5.1.4.2 Sesotho – 40%; and

5.1.4.3 isiZulu– 10%,

The monitoring exercise revealed that the Licensee broadcasts its programmes mainly in Sesotho and English, with Sesotho being the dominant language used. There are no isiZulu programmes, however the said language can be heard during interviews and during listener

interactions. The radio station also broadcasts about forty percent (40%) of its news bulletins in isiZulu.

The Licensee is non-compliant with its languages of broadcast 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".

The Licensee did not submit programme logs to the Authority on a monthly basis during the period under review.

The Licensee did not comply with clause 5.2 of the schedule to its licence.

4. COMPLAINTS

The Licensee is required, in terms of the Compliance Procedure Manual Regulations, to submit a Form 12A which reports on all complaints received during the financial year under review.

The Licensee has not submitted a Form 12A (Complaints Report) as required by the Compliance Procedure Manual Regulations, 2011.

The Licensee did not comply with the relevant clause of the Compliance Procedure Manual Regulations.

5. REGULATIONS

5.1 ICASA Regulations on South African Music

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, provides for at least eighty percent (80%) of South African music content to be played by community sound broadcasting Licensees.

The Authority's monitoring exercise revealed that the radio station broadcasts approximately eight percent (80%) of South African music content. Various genres were identified on the station's music line-up including House, Hip Hop, Gospel, Afro-Soul and Kwaito with artists such as *Rebecca Malope, Nasty C, Samthing Soweto, Nathi, Vuyo Mokoena, Sankomota, Kwesta, Chicco, Jeziel Brothers and Lundi*.

The Licensee complies with the ICASA Regulations on South African Music.

5.2 Regulations Regarding Standard Terms and Conditions for Class Broadcasting Licences

The Licensee did not adhere to the Standard Terms and Conditions for class licences as it did not submit all the information required by the Authority.

The Licensee did not comply with the Regulations Regarding Standard Terms and Conditions for Class Broadcasting Licences

6. CONCLUSION

The Licensee did not comply with most clauses of its licence conditions and applicable Regulations. The Licensee will be informed of the non-compliance and a possible referral to the Complaints and Compliance Committee (CCC) and provided with the opportunity to respond to the non-compliance findings.

7. TERMS OF REFERENCE

7.1 Appendix A: Lekoa FM's Service Licence;

7.2 Appendix C: Standard Terms and Conditions for Broadcasting Services, 2010 as published in *Government Gazette* No. 33296 dated, 14 June 2010, as amended;

7.3 Appendix D: ICASA South African Music Content Regulations, 2016 as published in *Government Gazette* No. 39844 dated, 23 March 2016, and

7.4 Appendix E: ICASA Compliance Procedure Manual Regulations, 2011 as published in *Government Gazette* No. 34863 dated, 15 December 2011.

END

March 2021