



RADIO PULPIT ANNUAL COMPLIANCE REPORT

MARCH 2021

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2019/2020 ANNUAL COMPLIANCE REPORT

RADIO PULPIT BROADCASTING AS RADIO PULPIT

LICENCE PERIOD: 12 February 2019 to 11 February 2024

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 Act (ECA)³ and 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 this report is to give an account of Radio Pulpit performance for the 2019/2020 financial year. Aspects of compliance that are measured comprise of the Geographic Coverage, Community participation, Programming Obligations and Standard Terms and Conditions.

2. BACKGROUND

Radio Pulpit hold a Class Sound broadcasting service licence⁵. The radio station's mandate is to provide sound broadcasting service to the community of Christian families of all races, ages, cultural backgrounds and languages, as set out in the Licensee's radio frequency spectrum licence.⁶

3. COMPLIANCE ASSESSMENT

3.1 Control Structure

Clause 1 of the licence states that:

"The Licence is issued to:

1.1 Name of Entity: Radio Pulpit.

1.2 Name of the Station: Radio Pulpit.

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

² Independent Communications Authority of South Africa Act, Act No. 13 of 2000, as amended

³ Electronic Communications Act No. 36 of 2005

⁴ Broadcasting Act No. 4 of 1999

⁵ Appendix A: Radio Pulpit broadcasting licence

⁶ *Ibid*

1.3 *Control of the licensee: Control shall vest in the Board of Directors of a Section 21 company known as Radio Pulpit."*

There were no changes reported by the Licensee to its control structure during the period under review and there were no management contracts lodged with the Authority.

According to Radio Pulpit's MOI, the Board shall consist of not less than three (3) Directors and there shall be no maximum number of Directors. Each other director appointed by the Board by a majority decision of Directors of the company shall serve for an indefinite term.

The Licensee submitted a list of five (5) Board of Directors that were elected in its last elective AGM. The administrative control in the operations of the community Radio Pulpit remains with the Board of Directors and management of the company.

The Licensee complies with clause 1.1 to 1.3 of the licence.

3.2 Licence Period

Clause 2 of the licence states that:

"2.1 The effective date of the licence is 12 February 2019

2.2 The licence shall expire on the 11 February 2024"

Radio Pulpit's licence is effective from 12 February 2019 to 11 February 2024.

The Licensee complies with clause 2 of the licence.

3.3 Geographic Coverage Area

Clause 3 of the licence stipulates that:

"The Licensee shall provide services to Greater Gauteng area in the Gauteng Province as set out in the Licensee's radio frequency spectrum licence"

Radio Pulpit provides services to the area stipulated in its licence.

The Licensee complies with clause 3 of the licence.

3.4 Community

Clause 4.1 of the licence states that:

"The licensee shall provide services to a Christian interest-based community residing within the geographic coverage area specified herein. The licensee shall cater for Christian families of all races, ages, cultural backgrounds and languages applicable within its defined broadcast area."

Radio Pulpit provides a sound broadcasting service to the geographic community of Christian families of all races, ages, cultural backgrounds and languages, residing within the geographic coverage as set out in the Licensee's radio frequency spectrum licence.

The Licensee complies with clause 4.1 of the licence.

Clause 4.2 of 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 focusing on programming and programme-related matters for the selection and provision of programmes;*
- 4.2.2 The Licensee shall furnish the Authority with proof of such meetings as well as attendance thereof by members of the community; and*

The Licensee submitted that it has a practice of engaging with its Christian community via its listener-feedback mechanisms, that is through, letters, emails, SMS, WhatsApp, focus groups and online feedback forums. Going forward they will have two formal meetings of the Community Committee as well as three localised community meetings representing the three local geographic areas within the coverage area of the radio station. Namely: Pretoria, Johannesburg and East Rand. However, the Licensee did not hold the two meetings as outlined in the service licence.

The Licensee did not comply with clause 4.2.1 and 4.2.2 of its sub clauses of the licence.

- 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."*

During the period under review, the Licensee did not submit proof, in a form of AGM minutes that it convened an AGM for the purposes of reporting as outlined in clause 4.2.3 above.

The Licensee did not fully comply with clause 4.2.3 and sub clauses of its licence.

3.5 Programming

Clause 5.1 of the licence states that the Licensee shall provide programming as follows:

- 5.1.1 *"Local News and information: The Licensee shall broadcast a total of Sixty (60) minutes of news per day which shall include community announcements. This shall also include community news produced by the station."*

The Licensee submitted their pro-forma log-sheet (Form 8A), indicating that the radio station broadcasts an average of three hundred and five (305) minutes of news weekly.

The monitoring exercise revealed that Radio Pulpit broadcasts news bulletins for approximately four (4) minutes with headlines broadcast for less than one (1) minute. On average, a total of forty-three (43) minutes of news is broadcast each day, during the South African performance period.

Below are few of the news excerpt monitored:

- *"The DA called for a parliamentary debate of national importance over the Corona Virus and other pandemics the opposition says this afford Minister Zweli Mkhize to inform the South Africans on his department readiness to deal with the global crisis. The party says it's crucial that the executive tables an*

inter-ministerial strategy it points out that the virus was spreading rapidly around the world after its started in China and that South Africa has deep cause for concern."

- *"Supporters of former President Jacob Zuma such as former Minister Des van Rooyen and former North West Premier Supra Mahumapelo condemned the High Court in Pietermaritzburg decision to grant the state a warrant of arrest for Zuma this followed after he again failed to appear for his corruption pre-trial yesterday because he is receiving medical treatment in Cuba. Van Rooyen says there is no way that Zuma can fake his illness to avoid the law."*

The licensee did not comply with sub clause 5.1.1 of the licence which requires provides for "Sixty (60) minutes of news per day" per clause the said clause of its licence instead of what was monitored which was in the region of forty-three (43) minutes per day.

5.1.2 South African Music Content: 60%.

According to the Form 8A submitted by the Licensee, an average of sixty-nine percent (69%) of South African music is broadcast each week.

The Licensee did not submit the information on number of tracks per week SA Music for the monitoring purpose. Further, the monitoring exercise revealed that Radio Pulpit broadcasts Gospel music.

Furthermore, the 60% SA Music obligation as per the clause above, that has been repealed and replaced with the provisions made in the ICASA South African Music Content Regulations of 2016. The current quota applicable to all Community Radio Licensee's is 80%.

The licensee did not comply with sub clause 5.1.2 of the licence.

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

Sixty per cent (60%) talk during the performance period weekly, is equivalent to four thousand five hundred and thirty-six (4 536) minutes.

The log-sheet submitted by the Licensee indicate that on average seven thousand five hundred and sixty (7 560) minutes talk content per week is broadcast by Radio Pulpit.

The monitoring exercise also confirms the Licensee submission indicating that Licensee exceeds its talk content. This impact on the Licensee's extra talk content, it is affecting its SA Music content output.

The licensee does not comply with its format of 60% talk vs 40% music.

5.1.4 Language(s) of broadcast:

5.1.4.1 English – 35%;

5.1.4.2 Afrikaans – 35%;

5.1.4.3 isiXhosa, isiZulu, Ndebele, siSwati – 20%; and

5.1.4.4 Sesotho, Setswana, Sepedi – 10%."

The monitoring exercise revealed that the Licensee' majority of content is broadcast mainly in English and Afrikaans. They have segments of broadcast in indigenous languages where isiZulu and isiXhosa are predominantly used. During weekdays between 05:00 and 05:30, there is a segment dedicated to indigenous languages. The segment is mainly broadcast in isiZulu yet the call-ins and guests who are invited in a show, speak Sesotho, Setwana and Sepedi.

60% Talk per day is equal to 648 minutes, one hundred and ninety-five (195) minutes is equivalent to 30% of indigenous languages. Radio Pulpit has dedicated a show to broadcast indigenous languages for 30 minutes. During the 12h00 -15h00 show an average of one hundred and eight (180) minutes are dedicated to indigenous languages such as Sesotho and Setswana. The Licensee meets its licence obligation of languages as per the above licence requirement.

The licensee complies with sub clause 5.1.4.

Clause 5.2 of 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 proforma of the log to be kept will be supplied by the Authority."

The Licensee submitted the log of programmes broadcast to the Authority as required by clause 5.2.

The licensee complies with clause 5.2 of the licence.

4 PROMISE OF PERFORMANCE

Clause 8.1 of the licence provides that:

"The licensee shall ensure that 60% of the Licensee's talk programming content shall be aimed at the promotion of education. Community upliftment and informal education such as skills development and health issues."

The Licensee submits that Radio Pulpit has a daily health program from 13h00 – 14h00 Monday to Friday. These programmes make up 32.31% of talk content.

Religious programming is aimed at community upliftment totalling 47.71% of program content.

The average total of these 2 programmes is 80.02% focussing on Radio Pulpit's promise of performance.

The licensee complies with clause 8.1 of the licence.

5 REGULATIONS

5.1 Complaints Received

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,

For the year under review, the Licensee did not submit any report on the complaints it may have received. Therefore, Broadcasting Compliance cannot make any inference or conclusion that the licensee did not receive any complaints.

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

5.2 South African Music Content Regulations⁷

Regulations 3 (3) of the Regulations on South African Music Content as published on 23 March 2016 provides that:

"A holder of a community sound broadcasting service licence must ensure that after eighteen months of the gazetting of these regulations, a minimum of 60%, increased by 10% annually to reach 80% of the musical work in the performance period, consist of South African music and that such South African music is spread evenly throughout the performance period⁸"

The monitoring exercise revealed that the Radio Pulpit broadcast predominantly gospel music. Some of the music artists that were monitored include *Casting Crowns, Verona Pillay Kathy Troccoli, Mark Bishop, Louis Britz, Michael W Smith, Jabulile Mavundla and Skosana Family amongst others*. Most of the artist are foreign.

Further, the monitoring exercise found that the Licensee broadcasts on average 69% of South African music.

The licensee did not comply with the South African Music Content Regulations.

5.3 Regulations Regarding Standard Terms and Conditions for Class Broadcasting Services Licences⁹

During the year under review, the Licensee complies with the clauses of the Regulations mentioned above.

Radio Pulpit complies fully with Standard Terms and Conditions for Class Broadcasting Service Licences Regulations.

6 CONCLUSION

Radio Pulpit has failed to comply with its community participation and news obligations. The Licensee does not comply with the South African Music local Content Regulations. Licensee submitted an annexure to the Authority,

⁷ Appendix B: ICASA South African Music Content Regulations 2016

⁸ *Ibid*

⁹ Appendix C: Standard Terms and Conditions for Class Licences 2016

indicating that they are in a process of addressing the areas of concern and non-compliance. Broadcasting Compliance will monitor their compliance and where Radio Pulpit does not comply in full, they will be advised of the intention to refer them to the Complaints and Compliance Committee (CCC), for a hearing.

7 TERMS OF REFERENCE

Appendix A: Radio Pulpit broadcasting licence

Appendix B: ICASA South African Music Content Regulations 2016

Appendix C: Regulations Regarding Standard Terms and Conditions for Class
Licences 2016

End

March 2021