



BOKONE-BOPHIRIMA

FM

ANNUAL

COMPLIANCE REPORT

MARCH 2022

2020/2021 ANNUAL COMPLIANCE REPORT

BOKONE BOPHIRIMA FM

LICENCE PERIOD: 28 NOVEMBER 2016 – 27 NOVEMBER 2021

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 purpose of the report is to give an account of Bokone Bophirima FM’s compliance performance with the terms and conditions as set out in its licence for the 2020/2021 financial year. Aspects of compliance that are measured comprise of the Licence Area, Community, Programming, South African Music Content Regulations and Regulations regarding Standard Terms and Conditions for Class Licensees.

2. BACKGROUND

Bokone Bophirima FM is a class broadcasting service licensee serving the geographic community of Ramotshere Moiloa Local Municipality and surrounding areas in the North West Province.

3. COMPLIANCE ASSESSMENT

3.1 Licensee Details

Clause 1 of the schedule to the licence stipulates that:

1.1 Name of Entity: Bokone Bophirima FM

1.2 Name of the Station: Bokone Bophirima FM

1.3 Control of Licensee: Control shall vest in the Board of Directors of Bokone Bophirima FM.

There were no changes reported by the Licensee regarding the name of the radio station and the controlling structure of the organization. Further, the radio station identifies itself at regular intervals, with frequency number and areas of coverage.

The licensee complied with clause 1 of the licence.

3.2 Licence Period

Clause 2 of the schedule to the licence stipulates that:

2.1 The effective date of the Licence is 28 November 2016

2.2 The Licence shall expire on 27 November 2021.

Bokone Bophirima FM is in the process of renewing its licence, which is valid until 27 November 2021 during the period under review.

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 Ramotshere Moiloa Local Municipality and surrounding area 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.

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

3.2 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 the areas in Ramotshere Moiloa Local Municipality under North West Province. These include Zeerust; Dinokana; Groot Marico and surrounding areas.

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".

For the period under review, there was an exemption on the above-mentioned obligation under the provisions of the ICT COVID-19 National Disaster Regulations.

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".

For the period under review, there was an exemption on the above-mentioned obligation under the provisions of the ICT COVID-19 National Disaster Regulations.

3.3 Programming

Clause 5.1.1 of the schedule to the licence provides for the radio station's format as follows:

"Local News and Information: The licensee shall broadcast a total of 52 minutes of which 70% shall be local, 20% shall be national and 10% shall be international."

For the period under review, and in line with the ICT COVID-19 National Disaster Regulations, the performance period was shortened by a period of at least four (4) hours, which resulted in some programmes not airing as per regular programming schedule.

The extracts of news found during the monitoring exercise, was the following:

- *"Batho bale babedi ba tlhokafetse mme fa bale bahlano ba mo maemong a masisi morago ga kotsi ka ko tseleng ya N3 fa ko Durban.*
- *The director of Fabkomp (Pty) Ltd, the company awarded the R10m Eastern Cape scooter ambulance contract, has threatened to sue the Special Investigating Unit (SIU) for defamation after the Special Tribunal set aside the tender contract awarded.*
- *A ride hailing service driver was shot dead near Harry Gwala Stadium in Pietermaritzburg in what is believed to be a road rage incident. Mi7 group director Colin David said the suspect drove into the driver's car and when the taxi driver chased him, he was shot multiple times. Police spokesperson Mthokozisi Ngobese said police were on the scene on Monday night."*

The Licensee merely reads news headlines from news websites, without any consideration for language, relevance to coverage area and original content.

The licensee did not comply with its news and information obligation.

Clause 5.1.2 of the schedule to the license provides that:

"South African Music Content: 70%"

The Licensee broadcasts over 80% local music. Further, Setswana based music was heard throughout the radio station's playlist which, provides a platform for new artists to showcase their work at the local radio station.

The Licensee complied with its South African Music Content obligation.

Clause 5.1.3 Talk vs. Music:

"50% Talk and 50% Music."

The monitoring exercise found over 70% of programming on Bokone Bophirima to be more music than talk. The licensee plays more music during its shows and there's no interactive programmes about important local, social or developing issues that the listeners might be interested in hearing.

The licensee did not comply with clause 5.1.3 of its licence.

3.4 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 Setswana – 95%;

5.1.4.2 English – 5%

The monitoring exercise found Setswana being the principal language of broadcast with some English segments found in between other programming such as news and other shows.

The licensee complies with its language quotas.

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"

For the period under review, there was a suspension on the above-mentioned obligation under the provisions of the ICT COVID-19 National Disaster Regulations.

3.5 Notices and Addresses

Clause 7 of the schedule to the licence stipulates that:

"The licensee chooses the following as its principal address"

7.1 Postal Address: P O Box 9256, Mokgola, 2869

7.2 Physical Address: 33 Makakana Section, Mokgola
2869

For the period under review, there were no changes to the above-mentioned addresses.

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".

The monitoring exercise reflects at least 80% of South African Music Content. The Licensee's playlist is a balanced combination of almost all genres including Afro pop, kwaito, house, jazz, sedumedi and traditional music. Artists found on the playlist include *Culture Spears; Mma Ausi; Brenda Fassie; Mafikizolo; Malaika; Nhlanhla; Blaq Diamond; The Soil; Simphiwe Dana; Press; Kelly Khumalo; Karabo* and *047*.

The Licensee complies with the South African Music Content Regulations.

4.2 Regulations regarding Standard Terms and Conditions for Class Licenses

For the period under review, the Authority did not find any non-compliance with the Regulations on Standard Terms and Conditions for Class Licences.

The Licensee complies with the regulations on Standard Terms and Conditions for Class Licenses.

5. CONCLUSION

For the period under review, Bokone Bophirima generally complied with its licence conditions, except for the News obligation which was found to be lacking in effort and commitment. Its News obligation on the licence terms and conditions is clear that news must be at least 70% local however, Bokone Bophirima merely reads out irrelevant News24 articles to its audience. Broadcasting Compliance Unit will insist and seek full compliance by the Licensee, with its news content obligation.

Further, the radio station did not comply with its format obligation where most of its content is music, which is contrary to its licence obligation. The Broadcasting Compliance Unit will continue to monitor these aspects in the next reporting period and seek full compliance with the format obligation, as well.

6. TERMS OF REFERENCE

- 6.1 Bokone Bophirima FM Class broadcasting service and spectrum licence
- 6.2 Regulations on South African Music Content
- 6.3 Regulations on Standard Terms and Conditions for Class Licences

END