



ELDOS FM ANNUAL COMPLIANCE REPORT

MARCH 2022

2020/2021 ANNUAL COMPLIANCE REPORT

YOUTH EMPOWERMENT NETWORK BROADCASTING AS ELDOS FM

LICENCE PERIOD: 06 March 2017 to 05 March 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 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 Eldos FM performance for the 2020/2021 financial year. Aspects of compliance that are measured comprise of the Geographic Coverage, Community participation, Programming Obligations and Standard Terms and Conditions.

Further, the report will measure compliance with regulations that include South African Music Content, Standard Terms and Conditions, and the ICT Covid-19 National Disaster Regulations⁵ first published in April 2020 and the subsequent amendments following the proclamation of the State of National Disaster.

The ICT Covid-19 National Disaster Regulations as amended have introduced exemptions with specific service licence conditions and/or revised quotas and such will be reflected in the body of the report accordingly.

2. BACKGROUND

Eldos FM hold a Class Sound broadcasting service licence⁶. The radio station's mandate is to provide sound broadcasting service to the geographic area of

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 The ICT COVID-19 National Disaster Regulations, 2020 as published in *Government Gazette* No. 43207 dated, 06 April 2020, as amended.

⁶ Appendix A: Eldos FM broadcasting licence

Eldorado Park and surrounding areas such as Slovo Park, Freedom Park and Kliptown in the City of Johannesburg Municipality, as set out in the Licensee's radio frequency spectrum licence.⁷

3. COMPLIANCE ASSESMENT

3.1 Control Structure

Clause 1 of the licence states that:

"The Licence is issued to:

1.1 Name of Company/Entity: Youth Empowerment Network.

1.2 Name of the Station: Eldos FM.

1.3 Control of the licence: Control shall vest in the Board of Directors of Youth Empowerment Network (Association incorporated under section 21)."

There were no changes reported by the Licensee to its control structure during the period under review. The Licensee is still Youth Empowerment Network. The name of the Licensee's radio station is Eldos FM. The control of the Licensee is still in the hands of an association known as Youth Empowerment Network.

The Licensee submitted a list of four (4) Board of Directors that were elected in its last elective AGM. The control of the Licensee is still in the hands of the Board of Directors of an association known as Youth Empowerment Network.

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 06 March 2017

2.2 The licence shall expire on the 05 March 2022"

Eldos FM's licence is effective from 06 March 2017 to 05 March 2022.

The Licensee submitted the renewal application on time.

The Licensee complies with clause 2 of the licence.

⁷ Ibid

3.3 Geographic Coverage Area

Clause 3 of the licence stipulates that:

"The Licensee shall provide services the geographic area of Eldorado Park and surrounding areas such as Slovo Park, Freedom Park and Kliptown in the City of Johannesburg Municipality, as set out in the Licensee's radio frequency spectrum licence".

Eldos FM provide services to the areas 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 geographic community residing within the geographic coverage specified herein"

Eldos FM provides a sound broadcasting services to the geographic community residing within the geographic area of Eldorado Park and surrounding areas such as Slovo Park, Freedom Park and Kliptown in the City of Johannesburg Municipality, 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 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

4.2.3 The Licensee shall hold Annual General Meeting (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."

Regulation 4 (12A) of The ICT COVID-19 National Disaster Second Amendment Regulations, provides for the suspension of the requirement for licensees to hold any community meetings or AGMs and be required to submit proof of holding the meetings.

Therefore, findings on compliance with this clause of the licence were not made by the Authority for the period under review. The suspension was made by the Authority to mitigate the risk of non-compliance by the community broadcaster due to Covid 19 pandemic.

3.5 Programming

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

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

Sixty per cent (60%) talk during the performance period weekly, is equal to three thousand five hundred and twenty-eight (3528) minutes per week.

The Licensee did not submit the log-sheet indicating the average minutes of talk and music broadcast by Eldos FM per week.

The licensee did not comply with sub clause 5.1.1 of the licence

5.2 “Local News and information:

5.2.1 The Licensee shall broadcast a total of two thirty (30) minutes of news per day, of which sixty percent (60%) will be local, twenty percent (20%) regional, ten percent (10%) national and ten (10%) international news per day. The news shall be broadcast in all languages as set out in the languages below

The Licensee did not submit their log-sheet Form 8A. However, the monitoring exercise revealed that Eldos FM broadcasts news bulletins every hour between, 06h00 and 18h30 on weekdays. The bulletins are broadcast for approximately three (3) minutes at the half hour. On average, a total of thirty-six (36) minutes including community news is broadcast each day, during the South African

performance period. The news monitored include local, regional, national, and international news.

The Licensee does not broadcast news per day on weekends.

The following are some of the news excerpts monitored:

- *"The police have arrested three men at the OR Tambo International Airport in the past two weeks in connection with the illegal possession of six-million-rand worth of drugs ivermectin. The drug is used in South Africa as a parasiticide for livestock, but many people have meanwhile started using it as a home treatment for Covid19. The situation has resulted in the health product control board CIPRA giving permission last week for ivermectin to be used in controlled conditions for the treatment of Covid19. Police say the suspects will appear in Court soon."*
- *"Social Security Agency SASSA has rejected allegations on social media that certain SASSA cards expired on March 31. The Agency says the cards will only be replaced as the Reserve Bank indicated in the report although no deadline has been set."*

The licensee did not comply with sub clause 5.2.1 of the licence

5.3 Local Content Obligations:

5.3.1 South African Music Content: The Licensee shall broadcast a South African music content of 80%.

The Licensee did not submit the Form 8A, indicating the average of the South African music content broadcast each week.

The ICT COVID-19 National Disaster Regulations, regulation 4 sub-regulation 8C provides that Sound broadcasting service Licensees shall comply with the local content music quotas.

The monitoring exercise revealed that Eldos FM broadcast mostly foreign music content. Some of the artist monitored include Cardi B & Bruno Mars, Donnie McClurkin, Mighty Clouds of Joy, Phil Collins, Ultra Nate' amongst others. Very few local artists are broadcast by Eldos FM like Ayanda Jiya who produces R&B/Soul genre which is a South African music content.

The licensee did not comply with sub clause 5.3.1 of the licence

5.4 Language(s) of broadcast:

5.4.1 English – 50%;

5.4.2 Afrikaans – 40%;

5.4.3 isiXhosa – 3.33%;

5.4.4 isiZulu – 3.33%. And

5.4.5 Sesotho – 3.34%”

The monitoring exercise revealed that Eldos FM broadcast primarily in English and Afrikaans. The other languages are featured in other programmes and when they read the news.

The licensee complies with clause 5.4 of the licence.

Clause 5.5 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 does not submit the log of programmes broadcast to the Authority as required by clause 5.5.

The licensee did not comply with clause 5.5 of the licence

4 PROMISE OF PERFORMANCE

8.1 The Licensee shall incorporate people from the informal settlement as part of the Board;

8.2 The Licensee shall engage and promote cultural and social activities;

8.3 The Licensee shall provide programming that engages the community on a range of issues that affect the community;

8.4 The Licensee shall be an employer or platform of choice for students in media studies by creating internships and platform to launch careers to more lucrative commercial media entities;

8.5 The Licensee shall ensure an equitable gender representation of men and women at various structures (management and control, staff and volunteers) of the radio station; and

8.6 The Licensee shall broadcast three hours of current affairs and talk shows on week days.

The ICT COVID-19 National Disaster Amendment Regulations, regulation 4 (8B) provides that Sound broadcasting service Licensees are exempted from compliance with specific programming requirements and promises of performance in terms of licence conditions during the National State of Disaster.

Therefore, findings on compliance with this clause of the licence were not made by the Authority for the period under review.

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,

The ICT COVID-19 National Disaster Amendment Regulations, regulation 4 sub-regulation 1 provides that Licensees are exempt from the responsibility to resolve complaints received within the time frames prescribed by the Authority in its Regulations.

For the year under review, the Licensee did not submit any complaints.

The Licensee complies with the Compliance Procedure Manual Regulations

5.2 South African Music Content Regulations⁸

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

⁸ Appendix B: ICASA South African Music Content Regulations 2016

period, consist of South African music and that such South African music is spread evenly throughout the performance period⁹”

The monitoring exercise revealed that Eldos FM broadcasts mostly foreign music content. Some of the artists monitored include Cardi B & Bruno Mars, Donnie McClurkin, Mighty Clouds of Joy, Phil Collins and Ultra Nate’ amongst others. Very few local artists are broadcast by Eldos FM like Ayanda Jiya who produces R&B/Soul genre which is a South African music content.

The licensee does not comply with the Regulations

5.3 Regulations Regarding Standard Terms and Conditions for Class Broadcasting Services Licences¹⁰

During the year under review, the Licensee did comply with the standard terms and conditions for class licences

Eldos FM complies with Standard Terms and Conditions for Class Broadcasting Service Licences.

6 CONCLUSION

Eldos FM was generally non-compliant with most provisions of its licence conditions and applicable regulations in the past. The Broadcasting Compliance Unit has provided some workshop to the Licensee and most of the issues were addressed accordingly with the Licensee with the aim of improving the non-compliance.

7. TERMS OF REFERENCE

Appendix A: Eldos FM broadcasting licence

Appendix B: ICASA South African Music Content Regulations 2016

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

END

⁹ *Ibid*

¹⁰ Appendix C: Standard Terms and Conditions for Class Licences 2016