



**LATHI-THAA
COMMUNITY RADIO
ANNUAL COMPLIANCE
REPORT**

MARCH 2022

2020/2021 ANNUAL COMPLIANCE REPORT

LATHI-THAA COMMUNITY RADIO BROADCASTING T/A L A FM

LICENCE PERIOD: 15 MAY 2018 to 14 MAY 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 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 an account of L A FM's compliance with the terms and conditions as set out in its licence for the 2020/2021 financial year. Aspects of compliance that will be measured comprise Geographic Coverage, Community Participation, Programming, Format, News and Information, Local Content Obligations and Language(s).

Furthermore, the report will measure compliance with regulations that include South African Music Content, Standard Terms and Conditions, and the ICT Covid-19 National Disaster Regulations⁴ 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.

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

⁴ The ICT COVID-19 National Disaster Regulations, 2020 as published in *Government Gazette* No. 43207 dated, 06 April 2020, as amended.

2. BACKGROUND

L A FM is a class broadcasting service Licensee providing services to a geographic community residing in the Senqu Local Municipality in the Eastern Cape Province. The radio station provides a programming format that is a mix of talk and music.

3. COMPLIANCE ASSESSMENT

3.1 Control Structure

Clause 1 of the schedule to the licence provides that:

"The Licence is issued to:

1.1 Name of company/entity: Lathi-thaa Community Radio.

1.2 Name of Station: L A FM.

1.3 Control of the Licensee: Control shall vest in the Board of Directors of Voluntary Association known as Lathi-thaa Community Radio Station".

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

The Licensee complies with clause 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 15 May 2018.

2.2 The licence shall expire on 14 May 2023."

The licence is still valid.

3.3 Licence Area

Clause 3 of the schedule to the licence provides that L A FM's coverage area is as follows:

"The Licensee shall provide services to Senqu Local Municipality in the Eastern Cape 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 submits that they provide a sound broadcasting service as prescribed by the licence document.

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".

Compliance with this clause of the licence was suspended during the period under review as per the ICT Covid-19 National Disaster Regulations.

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".*

Compliance with this clause of the licence was suspended during the period under review as per the ICT Covid-19 National Disaster Regulations.

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 a total of hundred (100) minutes of news per day, of which 60% shall be local news, 20% provincial news, 15% national and 5% international news."

The Authority's monitoring exercise revealed that the Licensee does not broadcast news daily. The monitoring exercise identified about five bulletins on some days, some days three and no news at all on some days. The identified bulletins were in English and Sesotho.

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

- *"Mapolesa a Kapa Botjhabela a bokelleditse sehlopha sa mosebetsi ho tsoma boradithunya ba thuntseng le ho bolaya mathwasa a mararo ka hare ho ntlo ya boraditaba ya setso motseng wa Tsomo. Mmuelli wa sepolesa sa profinsi Captain Khaya Thonjeni, o re bafu ba ne ba le pakeng tsa dilemo tse leshome le metso e robong le mashome a mabedi, mme ba ne ba e na le maqeba a ho thunngwa mmeleng ya bona e ka hodimo. O itse ba qetetse ho bonwa ba phela ka hora ya botshelela mantsiboya ka Labohlano. Thonjeni o ile a hlalosa ho re ha hon a ba belaellwa ba tshwerweng ha mapolesa a ntse a latela methati.*
- *Four men were burnt beyond recognition when their car caught alight following a collision on the N2 between Butterworth and East London on Thursday. Transport department spokesperson Unathi Binqose said a Toyota Etios with four occupants collided with a Isuzu Bakkie with five occupants said to be all brothers. He said both vehicles caught alight on impact but occupants of the car were trapped inside. Binqose said rescue personnel were able to remove the five men from the burning bakkie and were taken to hospital with severe injuries. He said the cause of the crash is still under*

investigation while Komga police have opened a culpable homicide docket for investigation.”

The Licensee does not broadcast hundred news per day as required by sub-clause 5.1.1 of its licence.

The Licensee did not comply with its news obligation.

Clause 5.1.2 of the licence provides that:

“South African Music Content: 70%”

The Authority’s monitoring exercise confirmed that the radio station broadcasts a significant amount of South African music. However, due to the shortened performance period, actual percentages could not be determined.

The Licensee’s compliance with this clause could not be determined.

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

“60% Talk and 40% Music”

The monitoring exercise revealed that the Licensee’s shows are a mixed blend of music and talk, but with more music. The station holds discussions and interviews on issues that affect the community and there is also listener interaction. The monitoring exercise confirmed that the Licensee’s format is approximately 70% music, therefore it is not as prescribed in the licence.

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 isiXhosa – 55%;

5.1.4.2 Sesotho – 30%;

5.1.4.3 English – 10%; and

5.1.4.4 Afrikaans – 5%.

The monitoring exercise revealed that the Licensee broadcasts its programmes in Sesotho and isiXhosa equally. English is used interchangeably with the two languages; Afrikaans was not identified during the monitoring exercise.

The Licensee did not comply 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 ICT Covid-19 National Disaster Regulations exempted Licensees from submitting programming logs as stipulated in their licence terms and conditions. However, Licensees were required to keep the information and submit to the Authority upon request.

The Licensee submitted the programming logs when requested to do so by the Authority.

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".

The Authority's monitoring exercise revealed that the radio station broadcasts more than eighty (80) percent of South African music content. Various genres were identified on the station's music line-up including House, Gospel, Hip Hop, Traditional, Afro-Soul and Kwaito with artists such as *Zonke, Rethabile Khumalo featuring Master KG, Stompie Mavi, Karabo, Madodana aseWesile, Nomcebo Zikode, Amageza Amahle, Lebo Sekgobela, Naak Musiq and Caiphus Semenya.*

The Authority has taken into consideration the impact of the reduced performance period on compliance with this clause; therefore, findings on compliance with this clause of the licence have not been made.

5.2 Regulations Regarding Standard Terms and Conditions for Class Broadcasting Licences

During the period under review, the Authority did not identify any non-compliance by L A FM with the Standard Terms and Conditions Regulations.

The Licensee complies with the Regulations Regarding Standard Terms and Conditions for Class Broadcasting Licences.

6. CONCLUSION

The exemptions and suspensions imposed on Licensees due to the National State of Disaster have been lifted for the next review period. Complete monitoring of compliance with licence conditions and regulations will be conducted in the next review. However, the Broadcasting Compliance Unit will follow up with the Licensee on identified areas of non-compliance.

7. TERMS OF REFERENCE

Appendix A: L A FM's Service Licence;

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

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

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

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

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