



LINK FM

ANNUAL

COMPLIANCE REPORT

MARCH 2022

2020/2021 ANNUAL COMPLIANCE REPORT

LINK FM TRUST BROADCASTING AS LINK FM

Licence Period: 24 October 2018 to 25 October 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 Act⁴ 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.

This report seeks to give an account of Link FM’s compliance with the terms and conditions, as set out in its license⁵, in the financial year that ended March 2021. Aspects of compliance that are measured by this report will be different to the norm. This deviation from the norm is brought about by the introduction of the ICT Covid-19 Regulations in April 2020, following the proclamation of the State of National Disaster.

The above Regulations considered the envisaged effect of the National Lockdown on the administration of the Broadcasting sector and exempt Licensees from compliance with most of their obligations. Apart from the exemptions provided by the ICT Covid-19 Regulations⁶; the shortened South African Performance Period, is likely to distort the licensees’ programming output when measured against the licence obligations.

Consequently, therefore, this report will measure and conclude on lesser aspects of compliance compared to ordinary annual compliance reports. The Regulations Regarding Standard Terms and Conditions.

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

² Act No. 13 of 2000, as amended

³ Act No. 36 of 2005

⁴ Act No. 4 of 1999

⁵ Link FM Broadcasting Service Licence

⁶ ICT Covid-19 Regulations

2. BACKGROUND

Link FM is a Class Sound Broadcasting Service Licensee. The radio station's mandate is to provide a sound broadcasting service to the geographic coverage area of East London, Komgha, Mdantsane and the immediate surrounding towns in the Eastern Cape Province as set out in the Licensee's radio frequency spectrum licence

3. COMPLIANCE ASSESSMENT

3.1 Licensee

Clause 1 of Link FM's Service licence provides that:

"The Licence is issued to:

1.1 Name of Entity: Link FM Trust

1.2 Name of Station: Link FM

1.3 Control of the Licensee: Control shall vest in the Board of Trustees of a Trust known as Link FM Trust".

There were no reported changes to the control of the Licensee nor were there any changes to the name of entity and of the station.

Link FM complied with Clause 1.1, 1.2 and 1.3 of the licence.

3.2 Licence Area

Clause 3 of Link FM's licence provides as follows:

"The Licensee shall provide services to East London (Buffalo), Komgha, Mdantsane and the immediate surrounding towns in Eastern Cape as set out in the Licensee's radio frequency spectrum licence⁷."

Link FM submitted that their coverage area is still as prescribed in the licence document.

In the year under review, the Authority received no reports or complaints indicating that the radio station has interfered in areas that are outside its coverage area.

The Licensee complies with clause 3 of the licence.

⁷ Link FM's Radio Frequency Spectrum Licence

3.3 Community

Clause 4.1 of the licence gives the following obligation to Link FM:

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

The Licensee’s entire programming profile is indicative of Link FM compliance with this clause. The whole programme diary, to the choice of music played during shows echoed the Licensee’s commitment to serving the Christian Community residing in its licence area. Almost all aspects of programming at Link FM referred to the Licensee’s core business which is serving a community of Christians.

The Licensee complies with clause 4.1 of the 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) general meetings annually with its community through its Listeners and Presenters Forums on programming and programme-related matters for the selection and provision of programmes.

The ICT Covid-19 Regulations exempted Licensees from upholding the specific terms and conditions as set out in their licence documents. As such, the Authority will not measure the Licensee’s compliance with this clause and no conclusion will be drawn.

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.

The ICT Covid-19 Regulations exempted Licensees from upholding the specific terms and conditions as set out in their licence documents. As such, the Authority will not measure the Licensee’s compliance with this clause and no conclusion will be drawn.

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".*

The ICT Covid-19 Regulations exempted Licensees from upholding the specific terms and conditions as set out in their licence documents. Therefore, the Authority will not measure the Licensee's compliance with this clause and no conclusion will be drawn.

3.4 Programming

Clause 5.1 of the schedule to the licence stipulates that:

"The Licensee shall provide programming as follows:

5.1.1 News and Information: *"The Licensee shall broadcast a total of forty (40) minutes of news per day, of which six (6) minutes of news produced by the radio station is on issues affecting the identified community, eighteen (18) of national news and sixteen (16) minutes international news."*

In the period under review, Link FM's Programming Log Sheets⁸, recorded that the Licensee schedules at least 180 minutes of news programming per week, which calculates to a daily output of 25 minutes of news.

The ICT Covid-19 Regulations exempt Licensees from upholding the specific terms and conditions as set out in their licence documents. Therefore, the Authority will not measure the Licensee's compliance with this clause and no conclusion will be drawn.

5.1.2 Format *30% talk and 70% music.*

The Licensee's programming log sheets suggest that the Licensee provides programming as specified by clause 5.1.2 of the License. The Authority has always been satisfied with Link FM's compliance with their format split.

The ICT Covid-19 Regulations exempted Licensees from upholding the specific terms and conditions as set out in their licence documents. Therefore, the

⁸ Link FM's Programming Log Sheets (sample)

Authority will not measure the Licensee's compliance with this clause and no conclusion will be drawn.

5.1.3 Local Content Obligations: *In accordance with the South African music Regulations of 2016, the Licensee shall broadcast a minimum of 70% local music which will be annually increased in line with the above mentioned regulations.*

Link FM's monthly log sheets indicate that the Licensee schedules approximately 82% South Africa Music Content in its programming. In June 2019, the Council of ICASA rejected⁹ Link FM's application for exemption from complying with the South African Music quota obligation the Licensee.

The ICT Covid-19 Regulations exempt Licensees from upholding the specific terms and conditions as set out in their licence documents. As such, the Authority will not measure the Licensee's compliance with this clause and no conclusion will be drawn.

5.1.4 Language(s) of broadcast:

5.1.4.1 English – 50%;

5.1.4.2 IsiXhosa – 40%; and

5.1.4.3 Afrikaans – 10%.

Link FM submits that their programming profile features all licenced languages. The Authority's last report recorded satisfactory improvement on the Licensee's language split provision.

The ICT Covid-19 Regulations exempted Licensees from upholding the specific terms and conditions as set out in their licence documents. Therefore, the Authority will not measure the Licensee's compliance with this clause and no conclusion will be drawn.

Clause 5.2 of Link FM's Licence makes the following recommendations:

"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."

Link FM did submit all programming log sheets as required by the Compliance Procedure Manual Regulations. Even at a point where the early 2020 South African Lockdown had prevented the Licensee from carrying out some administration, Link

⁹ Council Resolution on Link FM's application for exemption

FM ensured that their submission made up for the missed months as much as possible.

The Licensee complies with clause 5.2 of the licence.

3.5 Promise of Performance

Clause 8 of the Link FM's service licence lists the following promises of performance for the Licensee:

8.1 *"60% of the Licensee's talk content shall be aimed at education, promotion of religion, literacy and information. This shall include educational programmes such as skills development."*

Clause 8.2 *"The Licensee shall broadcast programmes related to children, youth, the elderly and the disabled."*

Clause 8.3 *"The Licensee shall establish and maintain a Listener's club to encourage participation in the programme selection of the station."*

Clause 8.4 *"The Licensee shall establish and maintain a co-ordinating body that consists of organisations and individual members from its coverage area in the promotion of its aims and objectives"*.

Clause 8.5 *"The Licensee shall hold meetings with townships, villages and outlying rural communities in its coverage area to encourage further community participation in the activities of the station"*.

The ICT Covid-19 Regulations exempted Licensees from upholding the specific terms and conditions as set out in their licence documents. Therefore, the Authority will not measure the Licensee's compliance with this clause and no conclusion will be drawn.

4. REGULATIONS

4.1 Compliance Procedure Manual – Form 12A

The Licensee is required, in terms of the Compliance Procedure Manual Regulations, to submit a Form 12A¹⁰ which reports on all complaints received in

¹⁰ Link FM's Complaints Report

each financial year. In the year that is currently under review, Link FM submitted its Form 12As indicating that the Licensee received no complaints and none was escalated to the Authority.

The Licensee complies with the above-mentioned regulation.

4.3 ICASA South African Music Content Regulations

Regulation 3 of the ICASA South African Music Content Regulations 2016¹¹ stipulates that:

"A holder of a community sound broadcasting service licence must ensure that after eighteen (18) months from the date of gazetting of these regulation, 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 evenly throughout the performance period."

Link FM's monthly log sheets indicate that Licensee's local music quota is at around 82%. According to the Log sheets, Link FM's music output is made up of 60% music played and around 22% made up of the interviews with local musicians and on air promotion of their music. the Licensee schedules approximately 45% South Africa Music Content in its programming.

The local artists who were identified as enjoying airplay on Link FM, include the following: Babo, Ncebakazi Msomi, The Lord Comforters, Joyous Celebration, Nobathembu Mabheka, Bethusile Mcinga, Sgwili, Dr Tumi, Juanita du Plessis, Retief Burger, Sfiso Ncwane, Khanyisa Nkantsu, Tholakele, Pastor Benjamin Dube, David Jooste, Joe Niemand, Andile Majola, Hlengiwe Mhlaba, Lebo Sekgobela, Thabo Mdluli, Mthunzi Namba, Mari Michael, Malibongwe Gcwabe, Veliswa Skeyi and others.

Link FM complies with the ICASA South African Music Content Regulations.

¹¹ ICASA South African Music Content Regulations

4.4 Regulations regarding Standard Terms and Conditions for Class Licensees

Regulation 2 (1) (d) of the Regulations Regarding Standard Terms and Conditions for Class Licensees¹² provides for two regulations that are constantly and continuously used to measure a Licensee's compliance. The two regulations are 2(1) and regulation 9, in its entirety.

In terms of regulation 2(1) of the Regulations Regarding Standard Terms and Conditions for Class Licensees; Link FM would always inform the Authority of any changes to its contact information.

The Licensee complies with the Regulations regarding the Standard Terms and Conditions for Class Licenses.

5. CONCLUSION

Link FM has complied with its Licence Terms and Condition and relevant Regulations.

6. TERMS OF REFERENCE

Appendix A: Link FM's Broadcasting Service Licence

Appendix B: ICT Covid-19 Regulations as amended

Appendix C: Link FM's Radio Frequency Spectrum Licence

Appendix D: Link FM's Programming Log Sheets (sample)

Appendix E: Link FM's Complaints Report

Appendix F: Regulations on South African Music Content

Appendix G: Regulations regarding the Standard Terms and Conditions

END

¹² Regulations regarding the Standard Terms and Conditions