



VIBE FM ANNUAL COMPLIANCE REPORT

MARCH 2022

2020/2021 ANNUAL COMPLIANCE REPORT

VIBE COMMUNITY RADIO

LICENCE PERIOD: 27 October 2018 to 26 October 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 Vibe 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.

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.

2. BACKGROUND

Vibe FM hold a Class Sound broadcasting service licence⁶. The radio station's mandate is to provide sound broadcasting in Kwa-Mashu in eThekweni Metropolitan in the KwaZulu-Natal Province, as set out in the Licensee's radio frequency spectrum licence.⁷

3. COMPLIANCE ASSESSMENT

3.1 Control Structure

Clause 1 of the licence states that:

"The Licence is issued to:

1.1 Name of Company/Entity: Vibe Community Radio.

1.2 Name of the Station: Vibe FM.

1.3 Control of the licence: Control shall vest in the Board of Directors of a non-profit organization known as Vibe Community Radio."

There were no changes reported by the Licensee to its control structure during the period under review. The Licensee and the radio station name remains, Vibe Community Radio. The control of the Licensee is still in the hands of an association known as Vibe Community Radio.

According to Vibe FM's constitution, the Board consists of eight (8) members. The board members are elected in an Annual General Meeting and they serve for a period of two (2) years however, they can stand to be re-elected for another term.

The Licensee submitted a list of three (3) 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 Vibe Community Radio.

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

3.2 Licence Period

Clause 2 of the licence states that:

⁶ Appendix A: Vibe Community broadcasting licence

⁷ *Ibid*

"2.1 The effective date of the licence is 27 October 2018

2.2 The licence shall expire on the 26 October 2024"

Vibe FM's licence is effective from 27 October 2018 to 26 October 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 in Kwa-Mashu in eThekweni Metropolitan in the Kwazulu-Natal Province, as set out in the Licensee's radio frequency spectrum licence"

Vibe FM provides 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"

Vibe FM provides a sound broadcasting services to the geographic community residing within the geographic in Kwa-Mashu in eThekweni Metropolitan in the Kwazulu-Natal Province, 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 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 "Local News and information: The Licensee shall broadcast a total of seventy percent (70%) local, twenty five percent (25%) national and five percent (5%) international news. Forty percent (40%) of news will be read in English and sixty percent (60%) will be in isiZulu

The Licensee submitted their log-sheet Form 8A, indicating that the radio station broadcasts an average of forty-five (45) minutes of news programming during weekdays.

The monitoring exercise revealed that Vibe FM broadcasts news bulletins every hour at the top of the hour between 07h00 to 18h00 on weekdays. The bulletins are broadcast for approximately five (5) minutes. On average, a total of sixty (60)

minutes including community news is broadcast each day, during the South African performance period.

The monitoring exercise revealed that the Licensee does not broadcast news during holidays.

The following are some of the news excerpts monitored:

- *"Umfundi oneminyaka engu 16 ubudala ofunda esikoleni samabanga aphezulu KwaZulu Natal, ugwetshwe izinyanga ezintathu ebhadle ejele, kulandela ukuhluleka kwakhe ukuvela enkantolo. Lomfundi usolwa ngokushaya omunye umfundi ngonyaka odlule. Isigameko sokhushaya saqoshwa kuma camera sasabalala ezinkundleni zokuxhumana. Umnyango wezemfundo KwaZulu Natal usamukele lesisigwebo kanti futhi uthi usabhekana nenqwaba yezehlakalo zobuqhawaga ezikoleni."*
- *"Indoda eneminyaka engu 30 ubudala ikhalelwe amasongo kasigonyela ngenxa yecala lokubulala umama wayo oneminyaka engu 53 ubudala eluganda ngaphandle kwetheku KwaZulu Natal. Isidumbu sikaNcamisile satholwa ethoyilethi lomphakathi lomgodi sitholwa ngamalungu omphakathi ngo December nyakenye."*

The licensee complies with sub clause 5.1.1 of the licence

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

According to the Form 8A submitted by the Licensee, an average of four hundred and twenty-three (423) tracks of South African music is broadcast each week.

The monitoring exercise revealed that Vibe FM broadcasts an average of five (5) minutes per track and most of the genre broadcast, it is Kwaito, Afro beats, Gqom and Maskandi music, among others. The Licensee broadcasts an average of more than two thousand (2 000) minutes per week as per the South African music content quota, which is equivalent to 80%.

The licensee complies with sub clause 5.1.2 of the licence

5.1.3 Talk vs. Music: 55% Talk and 45% music.

Fifty-five percent (55%) talk during the performance period weekly, is equal to three thousand two hundred and thirty-four (3234) minutes.

The log-sheet submitted by the Licensee indicate that on average six thousand one hundred and ninety-one (6191) minutes per week is broadcast by Vibe FM.

The licensee complies with sub clause 5.1.3 of the licence

5.1.4 Language(s) of broadcast:

5.1.4.1 isiZulu – 60%; and

5.1.4.2 English – 40%

The monitoring exercise revealed that Vibe FM use all the languages in its broadcast as per licence provisions.

The licensee complies with clause 5.1.4 of the licence.

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 does not submit the log of programmes broadcast to the Authority as required by clause 5.2.

The licensee did not comply with clause 5.2 of the licence

4 PROMISE OF PERFORMANCE

Clause 8.1 of the licence provides that:

"50% of the Licensee's talk content shall be educational, children, youth, and gender specific programmes. This shall include informal education such as skills development."

The ICT COVID-19 National Disaster Amendment Regulations, regulation 4 sub-regulation 8B provides that Sound broadcasting service Licensees are exempt 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 (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 receive any complaints and therefore, none was escalated to the Authority.

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 period, consist of South African music and that such South African music is spread evenly throughout the performance period"⁹

The monitoring exercise revealed that Vibe FM broadcast different genres like, Kwaito, afro beats, Gqom and Maskandi music amongst others. Some of the music artists that were monitored include Mandoza, Kabelo, Boom Shaka, DJ Tira and Khuzani, among others. Most of the artist are South African. Further, the monitoring exercise found that the Licensee broadcasts on average 80% of South African music.

⁸ Appendix B: ICASA South African Music Content Regulations 2016

⁹ *Ibid*

The licensee complies 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

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

6 CONCLUSION

Vibe FM did not comply with two of the provisions of its licence conditions. The Licensee was exempt or suspended from complying with some of the provisions due to the National State of Disaster, during the year under review.

7. TERMS OF REFERENCE

Appendix A: Vibe 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

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