



BOTLOKWA FM ANNUAL COMPLIANCE REPORT

MARCH 2017

2015/2016 ANNUAL COMPLIANCE REPORT

BOTLOKWA FM 89.3 MHz

LICENCE PERIOD: 22 OCTOBER 2013 – 22 OCTOBER 2018

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 South Africa in the public interest. One of the main tasks of the Authority is to ensure compliance by broadcasters with the terms and conditions of their licence, the ECA, the ICASA Act, any relevant legislation and regulations.

The following report is intended to give an account of Botlokwa FM's compliance with the terms and conditions as set out in its licence for the 2015/2016 financial year. Aspects of compliance that are measured comprise of geographic coverage, community participation, programming, format, news and information, local content obligations, language(s), South African Music Regulations and Regulations Regarding Standard Terms and Conditions.

2. BACKGROUND

Botlokwa FM is a community of interest serving the community of Botlokwa in the Limpopo Province. The radio station broadcasts in 90% Sepedi 90% and 10% English.

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

3. COMPLIANCE ASSESSMENT

3.1 LICENSEE

Clause 1 of schedule of the licence stipulates that:

- 1.1 *"Name of Company/Entity: Botlokwa Community Radio Station.*
- 1.2 *"Name of the Station: Botlokwa Community Radio.*
- 1.3 *"Control of the Licensee: Control of the station shall vests in the Board of Directors of a Section 21 Company known as Botlokwa Community Radio."*

The Licensee has confirmed that the station is still under control of the Board and the name of the station has not changed.

The Licensee has complied with clause 1 of the schedule to its licence.

3.2 COMMUNITY

Clause 4 of the schedule of the licence stipulates that:

- 4.1 *"The Licensee shall provide services to a geographic community residing within the geographic coverage area specified herein.*
- 4.2 *"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 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".*

During the station visit in the year 2015, the Licensee indicated that that they had not yet involved the community in the programming of the station. The Authority has inducted the Licensee several times on compliance matters, they are fully aware of this obligation. The Licensee has since undertaken to organise the community

meeting and keep the Authority abreast of the developments in this regard. The Authority has to date not received any feedback from the Licensee.

The Licensee did not comply with clause 4 of the schedule of its licence.

Clause 4.2.3 of the licence stipulates that:

"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 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."*

The Licensee submitted a letter⁴ of apology to the Authority for not holding an AGM in the year 2016. In the letter, the Board Secretary stated that they had challenges with members of the Board resigning and the Board was left with only 4 members which made them unable to operate fully.

The Licensee did not comply with clause 4.2.3 of the schedule of its licence.

⁴ Letter of apology from the Board

3.3. Programming Obligations

News and Information

Clause 5.1.1. of schedule of the licence stipulates that:

"The Licensee shall broadcast a total of 110 minutes of news per day, the bulk of which shall be the local news."

The Licensee submitted that it broadcast news every hour for 5 minutes Monday to Friday starting from 06h00 to 21h00 hours. There is no news broadcast on weekends.

The monitoring exercise revealed that the Licensee inconsistently broadcasts news during the performance period with some hours having no bulletins at all. This is contrary to its licence obligations which states that they must broadcast 110 minutes per day. The Licensee is not meeting this target, approximately only 75 minutes of news per day was monitored. The bulk of their news bulletins consist of local and provincial news of Limpopo.

Below are some of the news extracts identified during the monitoring exercise:

- *"Residents of Ward 9 are requested to attend a meeting that is organised by the Ward 9 Councillor Hlapa. The Councillor says the meeting will be held at Rakgobela Traditional office in Nyakelane at 14h00 in the tomorrow afternoon. He said the aim of the meeting is to arrange the ward to include the following villages: Matswaine; Dipatene; Nyakelane; Polatla; Ha-Sekhwana; Itumeleng and Sekhokho. He mentioned that those who want further information about this meeting can call Mampshe Molokomme on 0826665316."*
- *"Women in power are coming to empower women of Botlokwa with important information that will enable them to be self-reliant and creative in business. They will hold a seminar on health issues and how to run a sustainable business and grow it. They are looking for women between the ages of 13-25 years of age, the event is founded by business women called 'Mosibodi Modiba'."*

- *"Carl Pistorius will face reckless driving charges following an accident outside Modimolle, Limpopo police reported on Thursday. Police spokesperson Ronel Otto said that the decision was made earlier this month after Pistorius failed to submit a statement. The docket was sent to Court where a prosecutor instructed that charges be laid against Pistorius, Otto said."; and*
- *"Wildlife Ranching South Africa Chairperson Jaco Engelbrecht says the government must do more to clamp down on rhino poaching at both public and private wildlife reserves. Engelbrecht says government should establish teams to help with rhino poaching. He said if they can get more teams or specialised teams from government, maybe it will help, says Engelbrecht. Rhino poaching continues unabated in South Africa, with more than a thousand of the animals killed during 2014. Several more have already been killed this year."*

The Licensee did not fully comply with clause 5.1.1 of the schedule of its licence.

Local Content

Clause 5.1.2 stipulates as follows: *"South African Music Content: 60%*

The monitoring exercise revealed that the Licensee plays a significant amount of music including traditional music. Approximately 65% of local music was played during the period under review.

The following South African artists and songs were identified:

Zahara – 'Mali'; Lira – 'Mali'; Mafikizolo – 'Emlanjeni'; Jabu Khanyile – 'Mkaya lo'; Thapelo – 'Holokile'; Basadi ba Mphakane – 'Difologa Molemole'; Basadi ba Nyakelane – 'A ba bitswe mokgalabje'; Bann aba Kgwale – 'Mmatshidi'; Johannes Mohlala – 'Ntoporo'.

The Licensee has complied with clause 5.1.2 of the schedule of its licence.

Format

Clause 5.1.3 provides as follows: *"Talk v Music: 60% talk and 40% music"*

The monitoring exercise revealed that the Licensee broadcasts talk and music as stipulated above. That was also verified in the monthly programme log sheets that the Licensee submits to the Authority.

The Licensee has complied with clause 5 of the schedule of its licence.

Language (s) of Broadcast

Clause 5.1.4 of schedule of the licence stipulates that:

The Licensee shall broadcast the languages as follows:

5.1.4.1 Sepedi – 90%; and

5.1.4.2 English – 10%."

The monitoring exercise revealed that the Licensee broadcasts all its programmes in the languages and percentages stipulated above.

The Licensee has complied with clause 5.1.4 of the schedule of its licence.

Log Sheets

Clause 5.2 of the schedule of the licence stipulates 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 to the Authority."

The Licensee has been submitting the log sheet monthly as stipulated above.

The Licensee has complied with clause 5.2 of the schedule of its licence.

3.4. Promise of Performance

Clause 7.1 of the schedule of the licence provides thus: *"The Licensee shall broadcast a full-spectrum content which celebrates its Culture"*.

The monitoring exercise confirmed the Licensee broadcasts full spectrum content. "Dipitseng tsa Batlokwa" broadcast Mondays to Fridays between 12h05 and 13h00 discusses the culture of the Batlokwa, it promotes and educates the listeners about the rich culture practices of Batlokwa. The programme highlights different musical works, traditional remedies that were used in the olden times and the different traditional food that enjoyed by the Batlokwa people.

The Licensee has complied with clause 8.1 of the schedule of its licence.

4. REGULATIONS

4.2. Regulations Regarding Standard Terms and Conditions for Class Broadcasting Licences

Broadcasting Hours

Regulation 6 of the Regulations stipulates that:

"A Licensee must provide broadcast services for twenty (24) hours per day unless the Authority has approved a shorter schedule of daily broadcast operations".

The Licensee confirmed during the station visit that they do broadcast for 24 hours. This was also verified during the perusal of the programme recordings. Accordingly, the Licensee **is in compliance with the Regarding Standard Terms and Conditions for Class Broadcasting Licences.**

5. CONCLUSION

The Licensee did not comply with most of the licence terms and conditions in the year under review. The following are the clauses of the licence were not complied with:

1. Clause 4 – No Community participation in programming meetings.
2. Clause 4.2.3 – No Annual General Meeting held.
3. Clause 5.1.1 – Not meeting the quota of 110 minutes of news per day.

The Authority will endeavour to bring the clauses of none-compliance to the attention of the Licensee to ensure continued full compliance.

6. TERMS OF REFERENCE

Appendix A: Sound Broadcasting Service and Frequency spectrum licence

Appendix B: Letter of apology from the Board of Botlokwa FM