



ELDOS FM ANNUAL COMPLIANCE REPORT

MARCH 2024

2022/2023 ANNUAL COMPLIANCE REPORT

YOUTH EMPOWERMENT NETWORK BROADCASTING AS ELDOS FM

LICENCE PERIOD: 06 March 2022 to 05 March 2029

1. PREFACE

The Independent Communications Authority of South Africa (the Authority) has a statutory mandate in terms of the Constitution, the Independent Communications Authority of South Africa Act (ICASA Act)¹, the Electronic Communications Act (ECA)² and the Broadcasting Act³ 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's performance for the 2022/2023 financial year. Aspects of compliance that are measured comprise Geographic Coverage, Community participation, Programming Obligations and Standard Terms and Conditions.

Further, the report will measure compliance with the Regulations that include South African Music Content, Standard Terms and Conditions for Individual Licensees, Universal Service and Access Fund, General Licence Fee and Code of Conduct for Broadcasters.

2. BACKGROUND

Eldos FM holds a Class Sound broadcasting service licence⁴. The radio station's mandate is to provide sound broadcasting service to 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.⁵

¹ Independent Communications Authority of South Africa Act, Act No. 13 of 2000, as amended.

² Electronic Communications Act No. 36 of 2005

³ Broadcasting Act No. 4 of 1999

⁴ Appendix A: Eldos FM broadcasting licence

⁵ *Ibid*

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: 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 remains 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 clauses 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 2022

2.2 The licence shall expire on 05 March 2029".

Eldos FM's licence is effective from 06 March 2022 to 05 March 2029.

The Licensee submitted the renewal application on time.

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 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 and therefore 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 service to the 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

The Licensee has held the two meetings with its community members on 18 May 2022 and 21 November 2022, respectively and submitted the minutes however, it not submit the signed attendance register.

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."

The Licensee submitted proof of the AGM held on, 31 May 2022 in the form of minutes however it did not submit the attendance register and agenda.

The licensee does not comply with the clause 4.2.

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 submitted the log-sheet indicating the average minutes of talk and music broadcast by Eldos FM per week.

The licensee complies 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 submitted their log-sheet Form 8A. The monitoring exercise revealed that Eldos FM broadcasts news bulletins every hour between, 06h00 and 18h00 on weekdays and between 06h00 and 12h00 on weekends. The bulletins are broadcast for approximately three (3) minutes. 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 includes local, regional, national, and international news.

Below are some of the news excerpts monitored:

- *"The parliamentary committee looking into suspended Public Protector Busisiwe Mkhwebane's fitness to hold office will stick to its initial decision to summon former Public Protector Thuli Madonsela. Mkhwebane wants Madonsela to testify regarding the backlog within the Public Protector and the relationship between the institution and the state security agency. However, Madonsela refused saying that she does not see her relevance in her testifying. The committee insisted that Madonsela's evidence will assist regarding matters such as backlogs."*
- *"Gauteng Police are conducting random searches at schools across Soweto following a recent bullying incident in which a Geluksdal Secondary School learner was stabbed to death. According to the speaker of the Provincial Legislature, Ntombi Mague officials will conduct random searches for dangerous weapons and illegal substances. So far, the team visited Geyathopelo Secondary in Braamfischerville and they will visit Siyabonga Secondary School today."*

The Licensee does not broadcast the required minutes of news on weekends.

The licensee does not comply with subclause 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 submitted Form 8A, indicating the average of the South African music content broadcast each week. The details and findings regarding the Licensee's South African music content output are discussed in section 5.2 below.

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.

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 submitted the log of programmes broadcast to the Authority as required by clause 5.5.

The Licensee complies 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;

The licensee submits that it incorporates people from informal settlement as part of the Board however it failed to submit proof of such incorporation.

The Licensee does not comply with clause 8.1.

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

The licensee submitted a report that indicated that they have partnered with all theatres in Johannesburg to promote and support the arts by means of interviews in exchange for tickets for its listeners. They look for ways to keep cultural activities alive and partner with Eldos Jazz Festival. They have also partnered with South African Blood Services to encourage blood donation to save lives. The licensee did not submit proof of the various partnership for verification.

The Licensee does not comply with clause 8.2.

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

The Licensee complies with clause 8.3. as detected through the monitoring exercise.

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;

The Licensee reported that it is a platform of choice for students within its coverage area, for employment. Further reported that it provides internship opportunities for students to launch their commercial media careers.

The Licensee complies with clause 8.4.

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

The Licensee provided a report of its employment structures through their submission of Form 1 annually, which shows that there is gender representation as different levels of the radio station.

The Licensee complies with clause 8.5.

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

The Licensee complies with clause 8.6 as detected through the monitoring exercise.

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 licensee did not submit as required by the Compliance Procedure Manual Regulations

The Licensee does not comply with the Compliance Procedure Manual Regulations

5.2 South African Music Content Regulations⁶

⁶ Appendix B: ICASA South African Music Content Regulations 2016

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"⁷

The monitoring exercise revealed that Eldos FM broadcasts South African music content as per the Regulations. Some of the artists monitored are Lebo Mathosa, Msaki, J Something, Jabu Khanyile.

The licensee complies with the Regulations.

5.3 Regulations Regarding Standard Terms and Conditions for Class Broadcasting Services Licences⁸

During the period under review, there is no record that the Licensee did not adhere to the Regulations on Standard Terms and Conditions for Class Licensees.

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

6 CONCLUSION

Eldos FM was generally non-compliant with certain provisions of its licence conditions and applicable Regulations.

The Licensing and Compliance Division will advise the Licensee of its non-compliance and endeavour to assist the Licensee to comply. However, should the Licensee not improve its performance it will be advised of the Authority's intention to refer it to the Complaints and Compliance Committee (CCC).

7. TERMS OF REFERENCE

Appendix A: Eldos FM broadcasting licence

⁷ *Ibid*

⁸ Appendix C: Standard Terms and Conditions for Class Licences 2016

Appendix B: ICASA South African Music Content Regulations 2016

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

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