



INANDA COMMUNITY RADIO ANNUAL COMPLIANCE REPORT

MARCH 2017

2015/2016 ANNUAL COMPLIANCE REPORT

INANDA COMMUNITY RADIOBROADCASTING AS INANDA COMMUNITY RADIO

Licence Period: 24 October 2013 to 23 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 Act⁴ 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 three Acts mentioned already and any relevant legislation and regulations.

The following report is intended to give an account of Inanda Community Radio's performance for the 2015/2016 financial year. Aspects of compliance that are measured comprise of the Geographic Coverage, Community, Programming Obligations, Complaints Received, Regulations on the Code on People with Disabilities, South African Music Content Regulations and Regulations Regarding Standard Terms and Conditions.

2. BACKGROUND

Inanda Community Radio is a Class Sound Broadcasting Service Licensee. The radio station's mandate is to provide a sound broadcasting service to the geographic community of Inanda, Ntuzuma and Kwa-Mashu in the eThekweni District Municipality in the KwaZulu-Natal Province as set out in the Licensee's radio frequency spectrum licence.

3. COMPLIANCE ASSESSMENT

3.1 Control Structure

Clause 1 of the schedule of the licence stipulates that:

"The Licence is issued to:

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.

1.1 Name of Company/Entity: Inanda Community Radio.

1.2 Name of the Station: Inanda Community Radio.

1.3 Control of the Licensee: Control shall vest in the Board of Directors of Inanda Community Radio".⁵

The name of the entity is Inanda Community Radio and the name of the radio station is still Inanda Community Radio. The control of the Licensee still vests in the Board of Directors of Inanda Community Radio.

There were no changes reported by the Licensee to its control structure during the period under review. Inanda Community Radio is controlled by the Board of Directors of Inanda Community Radio⁶.

The Licensee was found to be compliant with clauses 1.1 to 1.3 of the schedule to its licence.

Clause 9.1 of Inanda Community Radio's Constitution stipulates that:

"The Board shall comprise of at least seven (7) members but not more than 10 members, and five (5) members shall serve as portfolio committee"⁷.

The Licensee's Board of Directors consists of following members:

Mr Mondli Mthembu – Chairperson;

Mr Mqondisi Bhikishi – Deputy Chairperson;

Ms Nozipho Mbatha – Secretary;

Mr Sabatha Ngceshu – Board Member; and

Mr Sifiso Ndaba– Board Member.

The Licensee was found to be non-compliant with clause 5.1 of its constitution.

3.2 Licence Area

Clause 3 of the schedule to the licence stipulates that:

⁵ Appendix A: Inanda Community Radio's Broadcasting Service Licence.

⁶ Appendix C: Compliance Status of Inanda Community Radio with Licence Conditions.

⁷ Appendix B: Inanda Community Radio's Constitution.

"The Licensee shall provide services to Inanda, Ntuzuma and Kwa-Mashu in the eThekweni District Municipality in the KwaZulu-Natal Province as set out in the Licensee's radio frequency spectrum licence".

Inanda Community Radio confirms that it provides broadcasting service to Inanda, Ntuzuma and Kwa-Mashu in the eThekweni District Municipality as set out in its radio frequency spectrum licence.

The Licensee was found to be compliant with clause 3 of the schedule to its licence.

3.3 Community

Clause 4.1 of the schedule to the licence stipulates that:

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

The Licensee confirms that the radio station is broadcasting for the geographic community to Inanda, Ntuzuma and Kwa-Mashu in the eThekweni District Municipality.

The Licensee was found to be compliant 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) general 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 the attendance thereof by members of the community; and

4.2.3 The Licensee shall hold Annual General Meetings (AGMs) 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".

Inanda Community Radio failed to submit information as provided for in clause 4.2 in its entirety. This is even after the Manager Compliance, contacted the station manager herself to ensure that submission is made. The station manager made umpteenth promises and eventually conceded to the Compliance Officer that she does not have the information. **Based on the above, the Licensee was found to be non-compliant with clauses 4.2.1, 4.2.2, 4.2.3 and its sub-clauses.**

3.4 Programming

Clause 5.1.1 of the schedule to the licence stipulates the Licensee's format as follows:

"The Licensee shall broadcast a total of seventy-five (75) minutes of news per day, of which 80% shall be local, 15% national 5% international news".

The monitoring exercise revealed that Indanda Community Radio broadcasts local, national and international news as required by clause 5.1.1 of the schedule to the licence. Further, the monitoring confirmed that Inanda Community Radio broadcasts 10 news bulletins starting from 07h00 to 17h00 and 9 news headlines every half hour. The duration of Inanda Community Radio's news bulletins is 5 minutes. In total, 60 minutes of news was monitored per day.

Among the news stories covered for the period under review were excerpts from certain broadcasts, as follows:

- "Amaphoyisa athi sekuqaliswe uphenyo ngesigameko sokushona komfana walapha eNanda oneminyaka eyishumi nanhlanu ubudala nokudutshulwe wabulawa ngesikhathi kade kunokuhilizisana namaphoyisa ngemumva komjaho wezimonto okade ungekho emthethweni izolo";
- "Amaphoyisa kamasipala waseThekwini athi anxusa abantu okukanye abashayeli bezimonto ukuba bangawashayi indiva amathikithi abasuke benikezwe wona";

- “Kuboshwe abantu abathathu abasolwa ngokuthi beqa ejele laseDundee kade beboshiwe”;
- “Ungqongqoshe womnyango wezokuvikela kuleli, uNosiviwe Maphisa Ngqakula uthi usuku oluhle kakhule eNingizimu Afrika Kanye nasemndenini yakwaKotane nakwa Marx”; and
- “Unobhala jikelele weSADESMO nokuyizinhlangano ezimele abafundi kwizikhungo zemfundo ephakeme ezahlukene kuleli uSizwe Simelane uthi kusasa lokhu okusayo bazonikela ehhovisini lukangqongqoshe wezemfundo ephakeme kuleli u-Dr. Blade Nzimande”.

The Licensee was found to be non-compliant with clause 5.1.1 of the schedule to its licence conditions.

Clause 5.1.2 of the schedule to the licence provides that:

“The Licensee shall broadcast 60% of South African music content”.

The Licensee states that it is committed to playing local music of all genres. Further, Inanda Community Radio states that it has developed a policy to ensure that it plays local music every Tuesdays. To this end, the Licensee confirms that it broadcasts 60% South African music.

The monitoring exercise revealed that Inanda Community Radio broadcasts music programmes. **“Ukuphila Okuchichimayo”** was broadcast on Sundays from 5h00 – 6h00. Gospel music, sermon and motivation dominated the show.

“Hood Up” broadcast on Fridays and Saturdays from 19h00 to 21h00 is a youth programme that focuses on inspiring and educating listeners about the hip hop lifestyle. The aim is to teach listeners that hip hop is not about music only but there is a life to it too. This show is about hip hop culture and discovering unknown artists.

“Urban chats Show” broadcast on Sundays between 12h00 and 15h00. This is a music show of the urban top 30. During the show, upcoming local artists are given exposure.

“Isigqi Se Africa” is a Zulu cultural show broadcast from 10h00 to 13h00 on Saturdays. The show focuses on discussion about the original people’s Zulu lifestyle

and compare it to today's life style. During the show more traditional maskandi music is played.

The music of local artists was monitored. Local artists featured include Ntokozo Mbambo; Hlengiwe Mhlaba; Babo; Sifiso Ncwane; True Moment; Zahara; Jabu Khanyile; Caiphus Simenya; Kelly Khumalo and many more.

The Licensee was found to be compliant with clause 5.1.2 of the schedule to its licence conditions.

Clause 5.1.3 of the schedule to the licence stipulates that:

"The Licensee shall broadcast 60% Talk and 40% Music".

The radio station has a current affairs programme called **"Izwe Nezalo"** that is broadcast from Monday to Friday between 18h00 and 19h00.

"Asilungiseni" broadcast on Sundays from 6h00 and 8h00 focuses on cultural misbeliefs and debates. This is an investigative show that looks at the past and educate people on how they were misled into believing certain things. It is a show that talks about matters that are challenging and ground-breaking. The studio guests and presenter provide listeners with an opportunity to call in studio and comment on face book.

"Sivubela Isizwe" broadcast from 9h00 to 12h00 on weekdays focuses primarily on issues affecting and impacting the lives of women in the area. Women who were previously abused are interviewed to share their stories. Interviewees include women who are legal expect. There is also a specific women programme broadcast on Thursday. It gives women a chance to pray together. Women from different churches in the area such as the The Shembe church and others are given an opportunity to pray on air. Further, a woman who is a health practitioner, Dr Zungu educates listeners about sexual related diseases.

"Business Class" broadcast between 12h00 and 15h00 educates and informs the locals about potential business opportunities. The radio station has an insert programme called **vukuzenzele**, whereby local business people are given 10 minutes free of charge to advertise their businesses. During the programme, listeners are empowered to understand agriculture, marketing, road rules and fines.

"Injobo Ithungelwa ebandla" broadcast from 18h00 to 20h00 provides community organizations with a chance to show case the services that they render to the community and how can the community benefit from the services.

"Kiddies Corner" is broadcast from 9h00 to 10h00 on Saturdays and Sundays. The programme aims at empowering children with different kinds of knowledge. The programme accommodates children and allow them to talk about matters and issues pertaining to their lives. Local children are invited to studio in order to get experience of being at the radio station. They enjoy the show as they learn numerous things.

The Licensee was found to be compliant with clause 5.1.3 of the schedule to its licence conditions.

Clause 5.1.4 of the schedule to the licence stipulates that Language(s) of broadcast are as follows:

- "(a) 60% isiZulu, and*
- (b) 40% English".*

The Licensee states that it broadcasts in isiZulu and English. According to the radio station the language split is 60% isiZulu and 40% English.

The monitoring exercise confirmed that Inanda Community Radio broadcasts with two languages.

The Licensee was found to be compliant with clause 5.1.4 of the schedule to its licence conditions.

Clause 5.2 of the schedule to the licence states 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".

Inanda Community Radio does keep a log of programmes broadcast and submit to the Authority as required by clause 5.2 of the schedule to its licence.

The Licensee was found to be compliant with clause 5.2 of the schedule to its licence conditions.

Clause 8 of the schedule to the licence states that:

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

Inanda Community Radio broadcast programmes that are educational and focusing on youth and gender related issues. Further, some of these programmes provide informal education. The programmes broadcast by the radio station include Asilungiseni, Sivubela Isizwe, Business Class, Vukuzenzele, Injobo Ithungelwa ebandla and Kiddies Corner.

The Licensee was found to be compliant with clause 8 of the schedule to its licence.

4. REGULATIONS

4.1 Complaints Received

The Licensee is required, in terms of the Compliance Procedure Manual Regulations, to submit a Form 12A⁸ which reports on all complaints received during the financial year under review. The Licensee reported that it did not receive complaints during the period under review.

The Licensee was found to be compliant with Compliance Procedure Manual Regulations.

4.2 Regulations on the Code on People With Disabilities

Clause 3.1(a) of Regulations on a Code on People with Disabilities states that:

"Broadcasting service licensees must ensure that their services are made available and are accessible to people with disabilities".

The Licensee has, during the period in review, confirmed that Inanda Community Radio's services are available to people with disabilities. Further, people with disabilities do visit the radio station.

⁸ Form 12A

The Licensee was found to be compliant with clause 3.1(a) of Regulations on the Code on People with Disabilities.

Regulation 3.1(c) of Regulations on a Code on People with Disabilities states that:

"Broadcasting service licensees must monitor the effectiveness of their service through surveys as well as contact with organisations of and for people with disability and stakeholders".

The Licensee reported that it does conduct surveys to find out if people with disabilities are happy with Inanda Community Radio's services.

The Licensee was found to be compliant with clause 3.1(c) of Regulations on the Code on People with Disabilities

4.3 South African Music Content Regulations

Regulation 3.3 of the Regulations on South African Music Content as published on 31 January 2006 stipulates that:

"Every holder of a community sound broadcasting licence to which these regulations apply must ensure that after eighteen months of the gazetting of these regulations, a minimum of 40% 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".⁹

The monitoring exercise revealed that the radio station plays South African music as required by the regulations. The programmes such as Ukuphila Okuchichimayo, Hood Up, Urban Chats Show, Abasha nezabo and Isigqi Se Afrika make it easy for the Licensee to comply with Regulation 3.3 of the Regulations on South African Music Content because they feature 80% to 100% South African music.

The Licensee was found to be compliant with Regulation 3.3 of the Regulations on South African Music Content.

4.4 Regulations Regarding Standard Terms and Conditions for Class Broadcasting Licences

⁹ Appendix C: South African Music Content Regulations.

Regulation 9 (1) (a) of the standard terms and conditions for class licences stipulates as follows:

"The Authority may, in the course of carrying out its obligations under the Act, require a Licensee to provide information, so as to enable it to:

Monitor and enforce compliance with licence conditions and other requirements of the Act and related legislation".

During the year under review, the Authority did not identify non-compliance with Regulation 9 (1) (a) of the standard terms and conditions for class licences

The Licensee was found to be compliant with Regulation 9 (1) (a) of the standard Terms and Conditions for Class Licences.

5 CONCLUSION

The Licensee has complied with most of the provisions of its licence conditions and applicable regulations. However, the Licensee does not comply with clauses 4.2. and its sub-clauses, clause 5.1.1 of the schedule to its licence conditions and clause 5.1 of its Constitution. A meeting will be schedule with the Licensee in order to address non-compliance areas.

6 TERMS OF REFERENCE

Appendix A: Inanda Community Radio's broadcasting service Inanda Community Radio's Constitution.

Appendix C: Compliance Status of Inanda Community Radio with Licence Conditions.