



KNYSNA WOODMILL LANE FM ANNUAL COMPLIANCE REPORT

MARCH 2024

C Mushi (Acting Chairperson), T Faye, Y Kedama, Dr. C Lewis, Adv. LS Mkumatela, N Nontombana,
N Sithole, P Zimri (Councillors), T Maluleka – Disemelo (CEO)

2022/23 ANNUAL COMPLIANCE REPORT

Wave Broadcasting and Entertainment (Pty) Ltd

Broadcasting as

Knysna Woodmill Lane FM Radio

Licence Period: 17 December 2018 – 16 December 2028

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) and the Electronic Communications Act ("ECA") to regulate broadcasting activities in South Africa in the public interest. Among the responsibilities of the Authority is the task to ensure compliance by broadcasters with the terms and conditions of their licence¹, the Electronic Communications Act ("ECA"), the ICASA Act and any relevant legislation or regulation.

This report seeks to give an account of Knysna Woodmill Lane FM Radio's compliance with the terms and conditions of its licence, in the financial year that ended March 2023. In addition, this report will measure the Licensee's compliance with all applicable Regulations for the year under review.

It is to be noted that the programme recordings provided by the Licensee for this report were extracts of certain shows within the Licensee's profile. Knysna Woodmill Lane could not provide the Authority with all-day-uncut programme recordings because according to the Licensee, there was no need to invest in expensive recording equipment. According to the Licensee, ICASA has never asked them for programme recordings in the 14 years of their existence and therefore they saw no need to buy the recording equipment. Current feedback from Wave Broadcasting and Entertainment indicates a process to source the recording equipment after the non-compliance was pointed out to them.

¹ Wave Broadcasting and Entertainment Service License

2. BACKGROUND

Knysna Woodmill Lane FM Radio is a low-power Licensee with a 5-year term expiring in August 2025. The Licensee's mandate is to provide a commercial low-power broadcasting service to Woodmill Lane Shopping Centre in Knysna, a town 500 kilometres east of Cape Town in the Western Cape.

1. COMPLIANCE ASSESSMENT

1.1 Licensee

Clause 1 of Knysna Woodmill Lane FM Radio's service licence² provides that:

"The Licence is issued to:

1.1 Name of Entity: Wave Broadcasting and Entertainment (Pty) Ltd

1.2 Name of the Station: Knysna Woodmill Lane FM Radio

1.3 Control of the Licensee: Control shall vest in the governing body of Wave Broadcasting and Entertainment (Pty) Ltd."

The Licensee reported no changes to the controlling structure of the entity or the company name in the year currently under review.

The Licensee complies with clauses 1.1, 1.2 and 1.3 of its licence.

3.2 Licence Area

Clause 3 of the licence prescribes as follows:

"The Licensee shall provide a commercial low-power broadcasting service to Woodmill Lane Shopping Centre, Knysna as set out in the Licensee's radio frequency spectrum licence."

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. However, in this regard, indicating that there have been no reports of interference cannot be enough as Low Power service is – by law – confined to specific spaces. This means, therefore, that broadcasting anywhere else other than Woodmill Lane Shopping Centre is non-compliant. The Authority's Cape

² Ibid

Town Region will be conducting spillage tests in the future to determine Knysna Woodmill Lane FM's coverage footprint.

3.3 Community

Clause 4 of the licence provides as follows:

"The Licensee shall provide commercial low-power broadcasting services aimed at tourism and business with the shopping centre as determined by the licence".

Knysna Woodmill Lane FM prides itself as a radio station that is *"niched for tourism and business development"*. The Licensee is placed to specifically support the tourism industry in and around the Garden Route. The Authority's monitoring exercise found that the Licensee's profile bulks on exposing local businesses to those visiting the area.

A suspicion around broadcasting to another shopping centre or area outside *"the shopping centre as determined by the licence"* was evoked during monitoring. When identifying the radio station, some presenters were heard referring to *"Knysna 97.0 FM and MC 90.3 FM Plettenberg Bay"*. This then raises a concern around syndication and the regulated quota thereof. An investigation into MC FM's programming is crucial or a declaration from Wave Broadcasting regarding syndication between the two radio stations. Wave Broadcasting is the Licensee for both Knysna 97.0 FM and MC 90.3 FM.

However, Knysna Woodmill Lane FM provides services aimed at both tourism and business within the shopping centre.

The Licensee complies with clause 4 of the Licence.

3.4 Programming

Clause 5.1 of the licence provides that the Licensee shall provide programming as follows:

3.4.1 Local News and Information:

"Clause 5.1.1: The Licensee shall not be obliged to broadcast news and actuality programmes but may broadcast programmes on current affairs and issues affecting the community and tourism within the centre."

A 2021 amendment of the Standard Terms and Conditions for Class Licensees provided a contrasting obligation to clause 5.1.1 of this licence. The Regulation 10B (1) of the Standard Terms and Conditions provided an explicit instruction: *"A Low Power Sound Broadcasting Service licensee must not provide news and current affairs programming."* An item titled *"Knysna 97.0 FM and MC 90.3 FM Garden Route Radio News Flash"* was identified around 07h30 and 09h00 both with a duration of around 5 minutes each. A promise of more *"Trending News just before 13h00"* was made after the 09h00 bulletin, giving an impression that the Licensee does carry news.

The Authority's monitoring exercise could not make out the number of bulletins produced per day because the recordings provided were extracts of certain shows. Some programme recordings started after the top of the hour and ended just before the next hour, while some were three-hour shows with some missing information.

On the basis that the Authority's monitoring exercise found news on Knysna Woodmill Lane FM, programming profile; **the Licensee does not comply with Regulations 10B (1) of the Standard Terms and Conditions which overrides all previously enacted obligations for the Licensee.**

*Clause 5.1.2 **South African Music Content:** 40%*

The Authority monitoring exercise found that Knysna FM is mostly a music radio station. Around 80% of the monitored programme recordings had music with very little talk. The Licensee's music scheduling profiles mostly American Rock Music with the likes of Shocking Blue, Engelbert Humperdinck, Helen Reddy, Bobby Vinton and Fleetwood Mac. The following American Rock Bands were also found during monitoring: Kansas and the Joans Brothers.

Very little South African Music was found during monitoring. The Little Sister, a South African music group found by two siblings, was found during monitoring. It

became very hard for the monitoring exercise to find anything else that relates to South African Music in the Licensee's Profile. In at least 20 songs found during monitoring, at least 1 song was South African which is an alarming music offering.

While we note that the programming presented by the Licensee in the programme recordings is but a fraction of the programming profile; it is unlikely, especially if no show focuses only on South African Music, that the Licensee meets even the 40% South African Music Content prescribed by this licence.

Based on the monitoring exercise conducted on the submitted programme recording, **Knysna Woodmill Lane FM did not comply with the South African Music Obligation.**

Clause 5.1.3 "Talk v Music: 20% Talk and 80% Music".

There is no missing that Knysna Woodmill Lane FM is a music radio station. The monitored programme recordings carried anything from early sixties Blues to late 80s Rock music. The Licensee's programming profile is characterised by "triple play and back-to-back triple play" offerings with very little talk in between.

The Licensee's talk content is mostly song and artist introductions, radio station identification and some information around environmental information and information about certain events happening in the area. The news bulletins identified during monitoring and advertisements make up the bulk of Knysna FM's talk content.

However, based on the material presented by the licensee to the Authority, an 80% music and 20% talk format split is likely the makeup of Knysna FM's programming.

Clause 5.1.4 of the licence provides:

"Languages of Broadcast:

5.1.4.1 English – 80%; and

5.1.4.2 Afrikaans – 20%."

A monitoring exercise carried out on the provided programme recordings could not find any Afrikaans Language on the Licensee's profile. **However, based on**

the material presented by the licensee to the Authority; Knysna FM did not comply with clause 5.1.4 and the sub-clauses.

3.4 Promise of Performance

Clause 8.1 of Knysna FM's licence states that:

"The Licensee will adhere to equal employment principles, which will include the previously disadvantaged communities."

The Licensee has yet to submit a conclusive report on its employment equity practices. This report will be attached to Form 1 of the Compliance Procedure Manual along with other attachments. However, from the material submitted and on-air staff, the Licensee has a fair representation of people from the previously disadvantaged groups. Women and black people were found as on-air staff during monitoring.

In the year under review, the Division is satisfied with the on-air representation of people from previously disadvantaged groups on Knysna FM.

Clause 8.2 of the Licensee's service licence provides:

"The Licensee will provide training programmes that will include relevant business skills, life skills, language acquisition and communication to its employees."

Wave Broadcasting and Entertainment has not yet submitted its training report save for mentioning that they do take their employees for training whenever necessary. The Licensee also encourages its staff to partake in free training interventions when they are available.

Until a conclusive report on the Licensee's training initiatives, the Division will not conclude the Licensee's compliance with clause 8.2.

4. REGULATIONS

4.1 ICASA South African Music Content Regulations

Regulation 3 of the ICASA South African Music Content Regulations 2016³ stipulates that:

³ Appendix B: ICASA South African Music Content Regulations

"A holder of a community sound broadcasting service licence must ensure that after eighteen (18) months from the date of gazetting of this 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."

Very little South African Music was found during monitoring. The Little Sister, a South African music group founded by two siblings, was found during monitoring. It became very hard for the monitoring exercise to find anything else that relates to South African Music in the Licensee's Profile. In at least 20 songs found during monitoring, at least 1 song was South African.

While we note that the programming presented by the Licensee in the programme recordings is but a fraction of the programming profile; it is unlikely, especially if no show focuses only on South African Music, that the Licensee meets even the 40% South African Music Content prescribed by this licence.

Based on the monitoring exercise conducted on the submitted programme recording, Knysna Woodmill Lane FM failed to comply with the South African Music Obligation.

4.2 Regulations Regarding Standard Terms and Conditions for Class Licensees

Regulation 2 (1) (d) of the Regulations Regarding Standard Terms and Conditions for Class Licensees⁴ provides two fundamental regulations that are constantly and continuously used to measure a Licensee's compliance. The two regulations are Regulation 2(1) and the sub-clauses, along with Regulation 9 in its entirety.

In terms of the provisions made by Regulation 2(1) of the Regulations Regarding Standard Terms and Conditions for Class Licensees; Knysna FM has had no reported changes to its Licensee details and information in the year that is currently under review.

⁴ Appendix C: Regulations regarding the Standard Terms and Conditions

The Licensee submitted all the information that was required of it for the purposes of compiling this report. Compliance with this clause is measured based on the trends in the licensee's information submission.

Knysna FM complies with Regulations 2(1) and 9 of the Standard Terms and Conditions for Class Licensees.

5. CONCLUSION

Intensive monitoring of Low Power Licensees is a new territory within the Authority. It's an exercise that allows the Authority to look deep into the Licensee's programming profile and suggest remedies where non-compliance is concerned. It is hoped that Knysna Woodmill Lane FM will investigate this report and identify areas that need attention in terms of their compliance. Primarily, the programme recordings that were submitted by the Licensee did not allow for a proper review of the Licensee's profile. Knysna Woodmill Lane will be monitored for the next three review periods to determine any trends in their compliance or lack thereof.

6. TERMS OF REFERENCE

Appendix A: Knysna FM Broadcasting Service License

Appendix B: Regulations on South African Music Content

Appendix C: Regulations regarding the Standard Terms and Conditions