



METRO FM ANNUAL COMPLIANCE REPORT

MARCH 2023

2021/22 ANNUAL REPORT

SOUTH AFRICAN BROADCASTING CORPORATION ("SABC") BROADCASTING AS METRO FM

Licence Period: 18 December 2018 - 17 December 2028

1. PREFACE

The Independent Communications Authority of South Africa ("Authority") has a statutory mandate in terms of the Constitution¹, the Independent Communications Authority of South Africa Act (ICASA Act²), the Electronic Communications Act³ (ECA) and the Broadcasting Act⁴ to regulate broadcasting activities in South Africa in the public interest. Among the responsibilities of the Authority is the task to ensure compliance by broadcasting service Licensees with the terms and conditions of their licence and any relevant legislation and/or Regulations.

The purpose of the report is to give an account of Metro FM's compliance with the terms and conditions as set out in its licence for the 2020/2021 financial year. Aspects of compliance that are measured comprise of Format, Local Content Obligations, General Programming Obligations and Training and Skills Development.

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

¹ The Constitution of the Republic of South Africa Act, 1996 (Act No 108 of 1996)

² Act No. 13 of 2000, as amended

³ Act No. 36 of 2005, as amended

⁴ Act No. 4 of 1999, as amended

2. **BACKGROUND**

Metro FM holds an Individual Broadcast Service Licensee of the South African Broadcasting Corporation ("SABC").

The licensee's language of broadcast is English. The radio station's mandate is to provide a full radio spectrum service to the urban areas of all nine provinces of South Africa.

3. **COMPLIANCE ASSESSMENT**

3.1. **Ownership and Control**

Clause 1.1 of the licence stipulates as follows:

"Name of the Company/Entity: The South African Broadcasting Corporation".

Clause 1.2 of the licence stipulates that the shareholders are as follows:

"Shareholders: The State: 100%"

Clause 1.3 of the licence stipulates that:

"Ownership held by persons from historically disadvantaged groups: NA"

Metro FM forms part of the public service of the South African Broadcasting Corporation which is 100% owned by the state.

The Licensee complies with the above clauses.

3.2. **Geographic Coverage**

Clause 2 of the schedule to Metro FM's licence prescribes that:

"The coverage area is as defined in the map attached to the radio frequency spectrum licence".

According to the frequency spectrum licence, the radio station's coverage areas are: Gauteng, Mpumalanga, North-West, Northern Cape, Free State, Eastern Cape, Western Cape, KwaZulu-Natal and Limpopo.⁵ The Licensee has confirmed that its footprint has not changed.

The Licensee complies with clause 2 of its licence.

3.3. **Language(s)**

Clause 3 of the schedule to the licence stipulates for Metro FM to broadcast in:

"Principal Language is English".

The Authority's monitoring confirmed that the Licensee's language of broadcast is English

The Licensee complies with clause 3 of its licence.

3.4. **Format**

Clause 4.1 of the schedule to the licence provides that:

"The service authorised by the licence forms part of the public service division of the Licensee".

Clause 4.2 stipulates that:

"The licensed service shall be a sound broadcasting service in an urban contemporary format".

Metro FM is a commercial radio station of the SABC and offers its audience as outlined in the licence.

The Licensee complies with clauses 4.1 and 4.2 of the schedule to its licence.

⁵ *Ibid*

3.5. General programming obligations

3.5.1 General

Clause 6.1.1 of the schedule to Metro FM's licence stipulates:

"The Licensee shall ensure that its programming adequately reflects the diversity of South Africa's Religion".

The Licensee's editorial policy (2004) provides that:

"Religious programmes should take account of the regional factors, target audiences, language and cultural preferences, and the devotional needs of specific groups".

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The Licensee broadcasts a drive time programme called "The Touchdown" with a religious segment known as *Replenish Thursdays* on Thursdays between 15h00 and 18h00. The show features inspirational talks by studio guests from various churches, as well as gospel music and inspirational music both local and international.

The Licensee also broadcasts a religious programme called "Sacred Space" with Thami Ngubeni on Sunday mornings between 06h00 and 09h00. The show also invites listeners to call and share their stories, challenges and how they use the power of prayer to overcome challenges in their personal lives.

The Licensee complies with clause 6.1.1 of its licence.

Clause 6.1.3 of the schedule to Metro FM's licence reads that:

"The Licensee shall during the performance period, provide programme material that caters and has due regard for the interests of all sectors of South African society and shall provide programming on health-related issues, gender issues relevant to all age groups".

"The Bridge" is a variety show, from 09h00 until 12h00 on weekdays (Monday until Friday). The show covers a wide range of topical issues such as lifestyle, health related issues, financial education as well as career and personal wellness among others. The programme allows for phone in participation by listeners.

There is "Metro FM talk with Ayabonga Cawe" is a current affairs show broadcast from 19h30 until 21h00 on Mondays and Thursdays. The show covers a wide range of topical issues such as Nation Building, Social Cohesion, rural development along with contemporary content around the African Continent. The programme allows for phone in participation by listeners".

The Licensee complies with clauses 6.1.3 of the schedule to its licence.

3.5.2 News and Current Affairs

Clause 6.2.1 of the schedule to Metro FM's licence stipulates:

"The Licensee shall broadcast at least 30 minutes of News per day during the South African Performance Period".

The monitoring exercise conducted for the period under review revealed that Metro FM broadcasts news bulletins every hour on the hour and headlines every half hour daily, mornings as well as afternoons. The duration of the news bulletins is between three (3) and five (5) minutes. This adds up to a total exceeding 30 minutes each day of news during the South African performance period.

Among the news stories covered were excerpts from a number of newscasts, as follows:

- *"Alleged parliament arsonist Zandile Mafe is expected in court this morning. Mafe faces charges of arson and terrorism relating to the January 2022 blaze that gutted the National Assembly chamber and damaged sections of the Old Assembly building...;"*
- *The Independent Electoral Commission (IEC) has launched an online registration system that will allow voters to register ahead of the local government elections without having to leave their homes. The municipal election is scheduled for late October, though issues around a potential postponement have been the subject of a special commission of inquiry..."; and*
- *The Nelson Mandela Foundation has launched a special archive portal in commemoration of the 32nd anniversary of the late former president Nelson Mandela's release from prison. On 11 February 1990, Madiba walked out of Victor Verster Prison - now known as Drakenstein - after 27 years behind bars....".*

The Licensee complies with clauses 6.2.1 of the schedule to its licence.

Clause 6.2.2 of the schedule to Metro FM's licence stipulates:

"the Licensee shall in the production of its news and current affairs programming:

- i. Exercise full editorial control in respect of the contents of such programming;*
- ii. Include matters of national, regional, international and where appropriate, local significance;*
- iii. Meet the highest standards of journalistic professionalism'*
- iv. Provide fair, unbiased, impartial and balanced coverage independent from Governmental, commercial or other interference; and*
- v. Provide a reasonable opportunity for the public to receive a variety of points of view on matters of public concern".*

The Licensee's editorial policies indicate that the Licensee exercises full editorial control in respect of the contents of its programming. The editorial policies further

indicate that the Licensee endeavours to meet the highest standards of journalistic professionalism. Furthermore, it provides fair, unbiased and impartial coverage independent from government, commercial or other interference.

During the period under review, the monitoring exercise revealed that Metro FM broadcasts matters of regional, national and international significance.

The Licensee complies with clause 6.2.2 of the schedule to its licence.

3.6 Training and Skills Development Obligations

Clause 7 of the schedule to the Metro FM's licence stipulates that:

- 7.1 *"The Licensee must adopt and implement equal opportunity employment Practice.*
- 7.2 *The Licensee must ensure that its management and staff are representative of South African society and that its human resource policies take into account the development of managerial, production, technical and other skills and expertise, particularly with regard to the historically disadvantaged persons.*
- 7.3 *The Licensee shall endeavour to achieve fair and reasonable participation by historically disadvantaged persons with respect to:*
 - (a) *its management and control structures*
 - (b) *skills development*
 - (c) *enterprise development; and*
 - (d) *procurement*

The Licensee revised its Employment Equity and Transformation plan during the 2021/22 financial year and submitted the updated plan and its Training and Skills Development that provides a detailed breakdown of its compliance with the above requirements to the Authority for the period under review within 30 days of the end of the financial year.

These reports indicate that the Licensee has adopted and implemented equal opportunity employment Practices and showed that the Licensee has remained committed to diversity and inclusion in the workplace. The SABC employment

equity profile remains healthy, and all groups are well represented in the organisation.

The SABC`s employment practices and non-discriminatory environment promote reasonable progress towards a fair and equitable representation from both a gender and race perspective at all occupational levels and in decision making positions. This is confirmed by the following statistics:

- Females represent 51.5% of the entire workforce and at Skilled level 53.18% of the workforce are females. At a Professional Qualified, Experience Specialist and Middle Management level females represent 50.33%; and
- Employees living with disabilities represent 2.35% of the entire workforce. These employees are employed across the organisation on different occupational levels and in all SABC provinces.

Further, the SABC is well represented in the Black Executive Managers and Black Senior Managers as well as Female Black Middle Managers.

In terms of training and skills development, the SABC delivered 967 training interventions for 810 employees during the reporting period. This is despite challenges resulting from its section 189 process, procuring suitable service providers and COVID-19. Statistically, the 810 employees who received training were 84.44% African, 6.81% Coloured, 4.24% Indian and 4.51% were White employees. Further, 56% of the employees who were trained were women and 2% were employees living with disabilities.

The Licensee complies with the entirety of clause 7 of the Schedule of its Licence.

3.8 Provisions of Audited financial statements

Clause 8 of the schedule to Metro FM`s licence stipulates that:

"The Licensee shall provide the Authority with the audited annual financial statements of the licensed service within four (4) months of the end of the licensee`s financial year, provided that the licensee may on good ground shown apply to the Authority for extension".

The Licensee submitted its audited annual financial statements to the Authority within the prescribed time for the 2021/22 financial year.

The Licensee has complied with clause 8 of the schedule to its licence.

4. REGULATIONS

4.1. South African Content Music Regulations⁶

Regulation 3(2) of the Regulations on South African Music Content as published on 23 March 2016 provides that:

"Every holder of a commercial sound broadcasting licence must ensure that after eighteen (18) months from the date of gazetting of these Regulations, a minimum of 35% 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" (Regulations on South African Music Content attached as Attachment C).

The Licensee submitted that, for the period under review, it has played an average of 65% of South African music.

According to the recordings monitored, Metro FM played approximately 65% South African Music content during the period under review.

The radio station plays a wide variety of music genres from Maskandi, Amapiano, Kwaito, Jazz, Afro-Pop, House, RnB, Rock, Gospel and cultural music. The local music played by the radio station includes among others: Blackie, Kamo Mphela, Costa Tich, Judith Sephuma, Soweto Central Chorus and Ami Faku.

The Licensee complies with the South African Content Music Regulations.

⁶ Appendix G: ICASA South African Music Content Regulations, 2016 as published in *Government Gazette* No. 39844 dated, 23 March 2016

4.2. Standard Terms and Conditions

During the year under review, the Authority did not identify any non-compliance by the Licensee with the standard terms and conditions for individual Licensees.

The Licensee complies with the South African Content Music Regulations.

4.3. Universal Service and Access Fund Regulations ⁷

Regulation 3 of the USAF Regulations stipulates that:

- (1) *"Every holder of a licence granted in terms of Chapters 3, 4 and/or 9 or converted in terms of Chapter 15 of the Act, must pay an annual contribution of 0.2% of its Annual Turnover to the Fund".*
- (2) *"A Broadcasting Service Licensee who has paid an annual contribution to the MDDA must set off that contribution against its USAF Contribution, provided that the MDDA contribution and the USAF contribution against which it is set off are for the same financial year".*

The Licensee made the prescribed payment directly to the MDDA and submitted proof thereof to the Authority.

The Licensee has complied with the USAF Regulations.

⁷ Appendix H: General Licence Fees Regulations, 2012 as published in *Government Gazette* No. 36323 dated, 28 March 2013, as amended

4.5. Compliance Procedure Manual – Form 12A

The Licensee is required, in terms of the Compliance Procedure Manual Regulations, to submit a Form 12A⁸ which reports on all complaints received in the course of each financial year. In April 2018, the SABC submitted its complaints report in accordance with the Regulations regarding the Code of Conduct for Broadcasting Service Licensees.

The Licensee is a member of the National Association of Broadcasters ("NAB") and complaints in relation to the Code of Conduct by Broadcasters are administered by the Broadcasting Complaints Commission of South Africa ("BCCSA").

The Licensee complies with the Compliance Procedure Manual Regulations.

5. CONCLUSION

The Licensee has fully complied with its licence terms and conditions, for the period under review.

⁸ Appendix E: ICASA Compliance Procedure Manual Regulations, 2011 as published in *Government Gazette* No. 34863 dated, 15 December 2011. (Form 12A: ECN/S and BS Complaints Reporting)

6. TERMS OF REFERENCE

Annexure A: Metro FM's Service and Spectrum Licences;

Annexure B: Training & Skills Development Report;

Annexure C: Regulations on Standard Terms and Conditions for Individual Broadcasting & Individual Electronic Communications Services, 2010 as published in *Government Gazette* No. 33294 dated, 14 June 2010, as amended;

Annexure D : USAF Regulations 2011, published in *Government Gazette* No. 34010 dated, 10 February 2011;

Annexure E : Processes and Procedures Regulations for Individual licences published in *Government Gazette* No. 33293 dated, 14 June 2010, as amended;

Annexure F : ICASA South African Music Content Regulations, 2016 as published in *Government Gazette* No.39844 dated, 23 March 2016; and

Annexure G : Proof of SABC's Contribution to USAF.