



# **RADIO KC ANNUAL COMPLIANCE REPORT**

**MARCH 2023**

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# **2021/2022 ANNUAL COMPLIANCE REPORT**

## **RADIO KC**

**LICENCE PERIOD: 27 October 2018 to 26 October 2023**

### **1. PREFACE**

The Independent Communications Authority of South Africa ("Authority") has a statutory mandate in terms of the Constitution<sup>1</sup>, the Independent Communications Authority of South Africa Act (ICASA Act<sup>2</sup>), the Electronic Communications Act (ECA)<sup>3</sup> and the Broadcasting Act<sup>4</sup> 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 the report is to give an account of Radio KC's performance for the 2021/2022 financial year. Aspects of compliance that are measured comprise of Geographic Coverage, Community participation, Programming Obligations and Standard Terms and Conditions.

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 Fee, Code of Conduct for Broadcasters, and applicable sections of the ICT Covid-19 National Disaster Regulations first published in April 2020 and the subsequent amendments following the proclamation of the State of National Disaster.

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<sup>1</sup> The Constitution of the republic of South Africa, No 108 of 1996

<sup>2</sup> Independent Communications Authority of South Africa Act, 2000 'ICASA Act' (Act No. 13 of 2000), as amended

<sup>3</sup> Electronic Communications Act, 2005 'ECA' (Act No. 36 of 2005), as amended

<sup>4</sup> Broadcasting Act ,1999 (Act No. 4 of 1999), as amended

## 2. **BACKGROUND**

Radio KC holds a Class Sound broadcasting service licence<sup>5</sup>. The radio station's mandate is to provide sound broadcasting service to Paarl Valley, Wellington, Franshoek and surrounding areas in the Western Cape Province as set out in the Licensee's radio frequency spectrum licence.<sup>6</sup>

## 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: Radio KC.*

*1.2 Name of the Station: Radio KC.*

*1.3 Control of the licensee: Control shall vest in the Board of Directors of Radio KC.*

There were no changes reported by the Licensee to its control structure during the period under review. The Licensee is still Radio KC. The name of the Licensee's radio station is Radio KC. The control of the Licensee is still in the hands of an entity known as Radio KC.

According to Radio KC's Memorandum of Incorporation (MOI), the Board consists of a minimum of five (5) and a maximum of eight (8) Directors. The board members are elected in an Annual General Meeting and the directors shall serve for a period of five (5) years.

The Licensee submitted a list of five (5) Board of Directors that were elected in its last elective AGM that was held on 16 March 2022. The control of the Licensee is still in the hands of the Board of Directors of an entity known as Radio KC.

**The Licensee complies with clauses 1.1 to 1.3 of the licence.**

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<sup>5</sup> Appendix A: Radio KC broadcasting licence

<sup>6</sup> *Ibid*

### **3.2 Licence Period**

Clause 2 of the licence states that:

*"2.1 The effective date of the licence: 27 October 2018.*

*2.2 The licence shall expire on: 26 October 2023."*

Radio KC 's licence is effective from 27 October 2018 to 26 October 2023.

**The Licensee complies with clause 2 of the licence conditions.**

### **3.3 Geographic Coverage Area**

Clause 3 of the licence stipulates that:

*"The Licensee shall provide services to Paarl Valley, Wellington, Franshoek and surrounding areas in the Western Cape Province, as set out in the Licensee's radio frequency spectrum licence. "*

Radio KC provide services to the areas as per its licence.

**The Licensee complies with clause 3 of the licence conditions.**

### **3.4 Community**

Clause 4.1 of the licence states that:

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

Radio KC provides sound broadcasting services to the geographic community residing within the geographic coverage of Paarl Valley, Wellington, Franshoek and surrounding areas in the Western Cape Province as set out in the Licensee's radio frequency spectrum licence.

**The Licensee complies with clause 4.1 of the licence conditions.**

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 programming-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 submitted proof of one community meeting that was held on 10 February 2022, which is called a "Listener Forum Advisory meeting". At that meeting, all radio programmes were evaluated with the forum and a questionnaire was completed whereby the attendees rated programmes and presenters.

**The licensee partially complies with clauses 4.2.1 and 4.2.2 of the license conditions.**

*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 a record of minutes of the elective AGM which was held on 16 March 2022. Five (5) Board of Directors according to the Licensee's founding documents.

**The licensee complies with clause 4.2.3 of its licence conditions.**

### **3.5 Programming**

Clause 5.1 The Licensee shall provide programming as follows:

#### 5.1.1 "Local News and information:

*The Licensee shall broadcast a total of thirty (30) minutes per day. This shall include news from the community produced by the station on issues affecting the community.*

The monitoring exercise revealed that Radio KC broadcasts news bulletins every hour at the top of the hour between 08h00 to 17h00 during weekdays. The bulletins are broadcast for approximately four (4) minutes with headlines broadcast at the half hour for less than a minute. On average, a total of thirty-two (32) minutes of news is broadcast each day, during the South African performance period.

The following are some of the news excerpts monitored:

- *"Eskom has warned that the power system may come under strain amid the maintenance at Koeberg Nuclear power station. According to the power utility unit 2 of the Koeberg plant will be taken offline today to regular the refuel and the maintenance. The outage is scheduled for five months. Eskom shift officer Redwani Bekadine says the maintenance for Koeberg unit 1 is expected to take place later this year ."*
- *"The Minister of Basic Education Angie Motshekga says that schools will be ready by next month should more children be allowed back in the classroom. Meanwhile rotational learning remains in place in schools around the country with pupils having to keep their desk a meter apart. Motshekga says if it were up to her social distancing would be scraped at schools. She and her department are visiting schools to advice teachers and staff on what changes need to be made to ensure good ventilation and proper infrastructure."*

**The licensee complies with sub clause 5.1.1 of the licence conditions.**

#### 5.1.2 **South African Music Content: 70%**

According to the Form 8A submitted by the Licensee, an average of nine hundred and eight-four (984) tracks of South African music is broadcast each week.

However, the licensee submitted a report confirming that Radio KC has been unable to deliver on the 80% quota as required in the 2016 amendment. The reason is due to the problems with their Jazlar scheduling system, which has not been allocating the SA music the way it is intended. Therefore, the South African Music content on Radio KC is currently between 65% and 70%

The monitory exercise revealed that Radio KC broadcasts local music including the following local genres: Gospel, House, Afro Pop and local Afrikaans music, among others. They also conduct interviews, and some of the artists interviewed were GR8FUL, Nelz, Soulful Itumeleng and Amanda Strydom are the new tracks which were promoted amongst others were: I found love, Ey Khala Kahle and Flow.

Using the music format factor Radio KC achieved the 80% music quota as per the South African Music Content Regulations.

**The licensee complies with sub clause 5.1.2 of the licence conditions.**

#### **5.1.3 Format: 60 Talk and 40% Music**

The Licensee broadcasts four thousand five hundred and thirty-six (4536) minutes per week. This equals to sixty per cent (60%) of talk during the performance period weekly.

The Form 8A log sheet submitted by the Licensee indicates that on average three thousand three hundred and ten (3310) minutes per week, is broadcast by Radio KC.

The monitoring exercise revealed that Radio KC broadcasts more foreign music than talk. On average 43% of talk is broadcast instead of 60%.

**The licensee does not comply with sub clause 5.1.3 of the licence conditions**

*5.1.3.1 60% of the Licensee's programme content shall be education. This shall include informal educational such as skills development, HIV/AIDS awareness and basic literacy.*

*5.1.3.2 The Licensee shall work closely with non-government and community organisations on developing programmes and determining the programming needs of the community.*

According to Radio KC submissions, the programming is educational and focuses on skills development and unemployment broadcast in each show Monday to Friday between 06h00 and 19h00.

The monitoring exercise reveals that between 10h00-13h00 Radio KC broadcast a show called KC at work which focuses on educational and skill development and awareness.

**The licensee complies with clause 5.1.3.1 and 5.1.3.2 of the licence conditions**

*5.1.4 Language(s) of broadcast:*

*5.1.4.1 Afrikaans – 60%;*

*5.1.4.2 English – 30%; and*

*5.1.4.3 isiXhosa – 10%. ”*

The monitoring exercise revealed that Radio KC broadcasts in all the three languages and the primary language of broadcast is Afrikaans. However, there is only one show which is broadcast in isiXhosa which is less than 10%.

**The licensee does not fully comply with clause 5.1.4. of the licence conditions.**

Clause 5.2 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 5.2.

**The licensee complies with clause 5.2 of the licence conditions.**



## 4 REGULATIONS

### 4.1 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,

For the year under review, the Licensee did not submit any complaints Form.

**The Licensee complies with the Compliance Procedure Manual Regulations**

### 4.2 South African Music Content Regulations<sup>7</sup>

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<sup>8</sup>"*

The monitoring exercise revealed that Radio KC broadcasts different genres like, gospel music, House music Afro Pop and Afrikaans musiek, among others. Some of the music artists that were monitored include Doctor Victor, DJ Zintle and Tamara Day, Shekinah, Nasty C, Musakie, Busi and Heavy K among others. Most of the artists are South African.

Further, the monitoring exercise found that the Licensee broadcasts on average 80% of South African music including interviews with South African artists.

**The Licensee complies with the South African Music Content Regulations.**

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<sup>7</sup> Appendix B: ICASA South African Music Content Regulations 2016

<sup>8</sup> *Ibid*

#### **4.3 Regulations Regarding Standard Terms and Conditions for Class Broadcasting Services Licences<sup>9</sup>**

During the period under review, the Licensee did not contravene the Regulations in respect of the Standard Terms and Conditions for Class Licences.

### **5 CONCLUSION**

Radio KC generally complies with its licence terms and conditions and relevant Regulations. The Licensee will be engaged with regard to the area of noncompliance and required to correct the noncompliance. The areas of non/partial compliance i.e. language of broadcast where isiXhosa language is used less and the decline in the format split (43% talk instead of 60%), all that will be taken up with the Licensee to rectify.

### **6. TERMS OF REFERENCE**

6.1 Appendix A: Radio KC broadcasting licence

6.2 Appendix B: ICASA South African Music Content Regulations 2016

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

**END**

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<sup>9</sup> Appendix C: Standard Terms and Conditions for Class Licences 2016