



SETSOTO FM STEREO ANNUAL COMPLIANCE REPORT

MARCH 2024

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2022/2023 ANNUAL COMPLIANCE REPORT

MALUTI MEDIA NETWORKS BROADCASTING AS SETSOTO FM STEREO

LICENCE PERIOD: 27 OCTOBER 2018 to 26 OCTOBER 2023

1. PREFACE

The Independent Communications Authority of South Africa (the Authority) has a statutory mandate in terms of the Constitution, the ICASA Act¹, the Electronic Communications Act² (ECA) and the Broadcasting Act to regulate broadcasting activities in the public interest. The Authority has a mandate to ensure compliance by broadcasters with the terms and conditions of the licence, the ECA, the ICASA Act and any other relevant legislation and Regulations.

The purpose of the report is to give an account of Setsoto FM Stereo's compliance with the terms and conditions as set out in its licence for the 2022/2023 financial year. Aspects of compliance that will be measured comprise Geographic Coverage, Community Participation, Programming, Format, News and Information, Local Content Obligation, Language(s), South African Music Content Regulations, and Regulations Regarding Standard Terms and Conditions.

2. BACKGROUND

Setsoto FM Stereo ("the Licensee") is a class broadcasting service Licensee providing services to Greater Ficksburg and surrounding areas in the Free State Province. The radio station provides a programming format that is a mix of talk and music.

3. COMPLIANCE ASSESSMENT

3.1 Control Structure

¹ ICASA Act No 13 of 2000, as amended

² Electronic Communications Act No 36 of 2005

Clause 1 of the schedule to the licence provides that:

"The Licence is issued to:

1.1 Name of company/entity: Maluti Media Networks.

1.2 Name of Station: Setsoto FM Stereo.

1.3 Control of the Licensee: Control shall vest in the Board of Directors of Maluti Media Networks".

There were no changes reported by the Licensee to its company name and control structure during the period under review.

The Licensee complies with clauses 1 of the schedule to its licence.

3.2 Licence Period

Clause 2 of the schedule to the licence provides that:

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

2.2 The licence shall expire on 26 October 2023."

The Licensee applied for a licence renewal. The application was still being processed at the time of compiling this report.

3.3 Licence Area

Clause 3 of the schedule to the licence provides that Setsoto FM Stereo's coverage area is as follows:

"The Licensee shall provide services to Ficksburg and surrounding areas in the Free State Province, as set out in the Licensee's radio frequency spectrum licence".

The Licensee confirmed that it provides a service to licensed area as set out in the Licensee's radio frequency spectrum licence.

In the year under review, the Authority did not receive any reports or complaints indicating that the radio station has gone beyond its licenced area.

The Licensee complies with clause 3 of the schedule to its licence.

3.4 Community

Clause 4.1 of the schedule to the licence provides that:

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

The Licensee submitted and confirmed that it provides a sound broadcasting service as prescribed in its licence.

The Licensee complies 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) meetings annually with its community on programming and programme-related matters for the selection and provision of programmes; and

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".

During the period under review, the Licensee did not submit any information regarding meetings held with its community regarding programming and programming policies of the station. It was given an opportunity to submit the information but failed to do so.

The Licensee did not comply with clause 4.2 of the schedule to the licence.

Further, clause 4.2.3 provides that:

"The Licensee shall hold an Annual General Meeting 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 any Special Annual General Meeting as and when required by the Constitution; 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 held an elective Annual General Meeting on 10 April 2022 and submitted minutes and attendance registers thereof.

The following nine (9) people were elected as the new members of the Licensee's board of directors: Mr Joseph Linyelo – Chairperson; Mr Thabo Lehlakeng – Deputy Chairperson; Ms. Tlalane Agnes Thabana – Secretary; Mr Tsekiso Ephraim Lesaoana – Deputy Secretary; Ms. Manthwana Paula Lefisa – Treasurer; and the following additional members: Ms Mafusi Eliza Rantauli. Ms. Lehlohonolo Dorah Lekale, Ms. Malitlhare Suzan Moqabola and Ms. Mamotseki Moeli.

The Licensee complies with sub-clause 4.2.3 of the schedule to its licence.

3.5 Programming

Clause 5.1 of the schedule to the licence provides that:

"The Licensee shall provide programming as follows":

5.1.1 Local News and Information: The Licensee shall broadcast news to a total of thirty (30) minutes of news per day, 60% of which shall be news originated by the station on issues affecting the community, 30% shall be national and 10% international."

The Authority's monitoring exercise revealed that the Licensee broadcasts approximately fifty (50) minutes of news per day on weekdays and thirty (30) minutes on weekends. The news bulletins are broadcast in English and Sesotho, and they cover local and national news. News that is generated by the station on

issues that affect the community is at approximately 20%, and it does not broadcast international news.

The following are some of the news items that were identified:

- *"Baahi ba motse wa Intabazwe o Harrismith hammoho le ba dipolasi tse haufi ba kgothaleditswe ho lebelo dibaka tsa bona ka mora dipalopalo tse bonahetseng di ehlwa mekwalaba ka hare ho metse tsa botlokotsebe. Mmuelli wa sepolesa e leng Warrant Officer Mophiring o hlalositse ho re dipalopalo tsa sepolesa tsa morao, di supa ha boholo ba ditlo tsa molao di etsahala Nakong e oho bonahalang ho e na le kgutso e kgolo metseng, dihoreng tsa bosiu kapa mesong. Mophiring o entse kgoeletso ho baahi ba profensi ya Freistata ka kakaretso ho sebetse mmoho le sepolesa ka ha botlokotsebe ke kobo-anela ka hare ho profensi e ka sitana le naha ya Afrika Borwa ka kotloloho.*
- *The Executive Mayor of Matjhabeng Local Municipality, Thanduxolo Khalipha, unveiled new fire trucks yesterday as part of improving and strengthening services in the Matjhabeng Local Municipality. According to the Municipal Spokesperson, Tshediso Tladi, the Municipality spent over six million to purchase the fire trucks.*
- *Matjhabeng has been under inspection over the lack of firefighting fleet which resulted in the fire-related trauma, that cost lives and properties in towns such as Welkom. Odendaalsrus and surrounding areas.*
- *Tsatsing lena Tonakgolo ya Profensi ya Freistata e leng Moxolisi Dukwana, o bile le kopano le borametse mmoho le balaodi ba dimmasepala tse robedi tsa ka hare ho profensi pele a ka teka puo. Dukwana o ile a hlokomedisa ho re hara a mang a mathata a teng ka hare ho profensi, bothata bo boholo ke ba metsi a dutlang matlong a baahi, mme sena se qosa mmuso tahlehelo ya metsi a boleng ba diranta tse dikete di mashome a robong ka selemo. Kopano ena e ne e akga le Letona la Ditjhelete e leng Khadija Brown le bahlomphehi ba bang ba teng."*

The Licensee complies with the prescribed minutes of news per day however, it does not comply with the news split as prescribed in clause 5.1.1. The Licensee

was made aware of the non-compliance and was advised to remedy the non-compliance.

The Licensee does not comply with its news obligation.

Clause 5.1.2 of the licence provides that:

"South African Music Content: 80%"

The Authority's monitoring exercise confirmed that the radio station broadcasts approximately eighty percent (80%) of South African music content.

The Licensee complies with its South African Music Content obligations.

Clause 5.1.3 of the licence provides that the format is as follows:

"60% Talk and 40% Music"

The monitoring exercise revealed that the Licensee's shows are more talk than music. The station has discussions throughout the day on issues that affect the community and there is also a lot of listener interaction. The monitoring exercise confirmed that the Licensee's format is as prescribed in the licence.

The Licensee complies with its prescribed format.

Clause 5.1.4 of the licence provides that:

Language(s) of broadcast:

5.1.4.1 Sesotho – 60%;

5.1.4.2 English – 30%; and

5.1.4.3 Other languages spoken in the Licensee's coverage area – 10%.

The monitoring exercise revealed that the Licensee broadcasts its programmes mainly in Sesotho. English is provided for in news bulletins and it is used interchangeably with Sesotho throughout the Licensee's programming. The other

languages, including isiXhosa and Afrikaans are heard during listener interactions.

The Licensee complies with its languages of broadcast obligation.

Clause 5.2 of the schedule to 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 pro-forma of the log to be kept will be supplied by the Authority".

The Licensee did not submit programming logs as required by this clause.

The Licensee does not comply with clause 5.2 of the schedule to its licence.

4. PROMISE OF PERFORMANCE

Clause 8.1 of the schedule to the licence provides that:

"The Licensee shall establish and maintain a programming committee consisting of members of the Licensee's target community".

The Licensee did not provide information on programming committees or programming meetings.

Clause 8.2 of the schedule to the licence provides that:

"The Licensee's programming shall include programmes on education, health and community development issues".

The Licensee did not provide any report to demonstrate compliance with this requirement however, the monitoring exercise revealed that the Licensee provides programmes that deal with education, health and community development issues.

Clause 8.3 of the schedule to the licence provides that:

"70% of the Licensee's programming shall be sourced from its coverage area".

The Licensee did not provide any report to demonstrate compliance with this requirement and the monitoring exercise revealed that approximately fifty percent (50%) of the Licensee's programming is sourced from its coverage area.

The Licensee does not comply with its promise of performance obligations.

5. COMPLAINTS

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 has not submitted a Form 12A (Complaints Report) as required by the Compliance Procedure Manual Regulations, 2011.

The Licensee did not comply with the relevant clause of the Compliance Procedure Manual Regulations.

6. REGULATIONS

6.1 ICASA Regulations on South African Music

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

"A holder of a community sound broadcasting licence must ensure that after eighteen (18) months of the gazetting of these regulations, 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 reasonably evenly throughout the said period”.

For the period under review, the obligation in accordance with the SA Music regulations above provides for at least eighty percent (80%) of South African music content to be played by community sound broadcasting Licensees.

The Authority’s monitoring exercise revealed that the radio station broadcasts approximately eighty percent (80%) of South African music content. Some of the artists that were identified are *Vusi Nova, PJ Powers, Malaika, Fifi Cooper, Black Coffee, Cassper Nyovest, Zahara, Rebecca Malope, Linda Kekana* and *Lebo Mathosa*.

The Licensee complies with the ICASA Regulations on South African Music.

6.2 Regulations Regarding Standard Terms and Conditions for Class Broadcasting Licences

The Licensee did not adhere to the Standard Terms and Conditions for class licences as it did not submit all the information required by the Authority.

The Licensee did not comply with the Regulations Regarding Standard Terms and Conditions for Class Broadcasting Licences

7 CONCLUSION

The Licensee did not comply with some clauses of its licence conditions and applicable Regulations. The Licensee will be informed of the non-compliance and a possible referral to the Complaints and Compliance Committee (CCC) and provided with the opportunity to respond to the non-compliance findings.

8 TERMS OF REFERENCE

- 8.1** Appendix A: Setsoto FM Stereo's Service Licence;
- 8.2** Appendix C: Standard Terms and Conditions for Broadcasting Services, 2010 as published in *Government Gazette* No. 33296 dated, 14 June 2010, as amended;
- 8.3** Appendix D: ICASA South African Music Content Regulations, 2016 as published in *Government Gazette* No. 39844 dated, 23 March 2016, and
- 8.4** Appendix E: ICASA Compliance Procedure Manual Regulations, 2011 as published in *Government Gazette* No. 34863 dated, 15 December 2011.

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