



Independent Communications Authority of South Africa

Pinmill Farm, 164 Katherine Street, Sandton
Private Bag X10002, Sandton, 2146

SOWETO TV REPORT

LICENSING AND COMPLIANCE PROGRAMME
MARCH 2013

Dr SS Mncube (Chairperson), NA Batyi, WH Currie, JM Lebooa, N Ndhlovu, KGS Pillay, Dr MM Socikwa, WF Stucke
(Councillors), TTC Dlamini (CEO)

2011/2012 ANNUAL COMPLIANCE REPORT

SOWETO TV

LICENCE PERIOD:

1. PREFACE

The Independent Communications Authority of South Africa (“the Authority”) has a statutory mandate in terms of the Constitution¹, the ICASA Act of 2000² and the Electronic Communications Act of 2005³ (“EC Act”) to regulate broadcasting activities in South Africa in the public interest. The Authority is tasked with ensuring compliance by broadcasters with the ICASA Act, the EC Act, the terms and conditions of their Licence and any relevant legislation and regulations.

The following report is intended to give account of Soweto Community TV’s performance for the 2011/2012 financial year. Aspects of compliance that are measured comprise of the Name of Station, Geographic Coverage, Community, Programming, Local Content Obligations, Broadcast Hours, Special Licence Conditions, Regulations Regarding Standard Terms and Conditions for Individual licences and Universal Service and Access Fund Regulations.

2. BACKGROUND

On 19 February 2010, the Authority granted and issued a community television broadcasting service licence to Soweto Community Television. The licence is valid for seven (7) years. Control of the Licensee as reflected in the licence, is vested in the Board of Directors of a Section 21 Company known as Soweto Community Television.

¹ The Constitution No 108, of 1996

² The ICASA Act No, 13 of 2000

³ The Electronic Communications Act No, of 2005

3. COMPLIANCE ASSESSMENT

3.1 Name of Station

Clause 1 of Schedule A of the licence provides that the name of the station is:
"SOWETO TV".

The Licensee confirms that its name is as defined in its licence. This was confirmed during the Authority's monitoring exercise.

The Licensee complies with clause 1 of Schedule A of its licence.

3.2 Geographic Coverage

Clause 2 of Schedule A of the licence provides that the geographic coverage is:

*"Greater SOWETO area as set out in the Licensee's radio frequency spectrum licence"
(See Appendix A).*

The Licensee confirms that its footprint has not changed.

The Licensee complies with clause 2 of the licence.

3.3 Community

Clause 3 Schedule A of the licence provides as follows:

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

The Licensee confirms that it provides a service to the geographic communities residing in the greater SOWETO, as per its licence.

The Licensee complies with clause 3.1 of its licence.

Clause 3.2 of Schedule A of the licence provides for the Licensee to provide for the participation of community members in the affairs of the station in the following ways:

3.2.1 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.

3.2.2 The Licensee shall furnish the Authority with proof of such meetings as well as the attendance thereof by members of the community.

The Licensee submits that it holds annual regular stakeholder meetings where representatives from the broader Soweto community including Non-Governmental Organisations (NGOs), Religious Organisations, Small Businesses and South African Police Services (SAPS) participate. The last Stakeholder meeting was held on 09 November 2012.

Further, the Licensee submits that programming and programming related topics are discussed at length during these meetings. However, the Licensee states that it is in the process of formalising this structure where community representatives will nominate individuals to actively participate in regular programming/content sub-committee meetings to enhance Soweto TV's commitment in reflecting the views and interests of the broader community served.

The Licensee submitted minutes of the meeting held on 09 November 2013 together with the attendance register (*See Appendix B*).

The Licensee complies with clauses 3.2.1 and clause 3.2.2 of Schedule A of its licence.

Further, clause 3.2.3 provides that the Licensee shall hold Annual General Meetings (AGM) for the following purposes:

3.2.3.1 To provide feedback on the Licensee's compliance with licence conditions,

*3.2.3.2 To provide feedback on the Licensee's operational and financial performance,
and*

*3.2.3.3 To elect members of the controlling structure e.g. Board of Directors, trustees
etc, subject to the Licensee's founding documents".*

According to the information submitted by the Licensee for the period under review, the Licensee held its last AGM on 30 November 2012. The minutes and attendance register were duly submitted to the Authority. From the minutes, seven (7) people attended the AGM as follows:

Mr M Mosiya- Soweto TV Chairperson;
Mr T Thafeng- Soweto TV Board member;
Mr T Nkutha- Soweto TV Board Member;
Mr D Ferreira – Urban Brew Studios Director;
Mr PN Raboroko- Community Representative; and
Mr M Mofokeng – Community Representative.

The minutes indicate that feedback on the Licensee's operational and financial performance was provided. For example, it was mentioned that Soweto TV retained, for the period under review, a surplus of R 4.5 million which is indicative of a healthy financial position. According to the minutes, the Board of Directors were also elected.

Although there is compliance by the Licensee with clauses 3.2.3.1, 3.2.3.2 and 3.2.3.3 of Schedule A of its licence; it has to be noted that the Articles of Association seem to curtail members of the community from full participation at the AGM. The Articles are mute in so far as the process to follow to register as a member of Soweto TV be it as an ordinary member of the community or civil organisations.

In addition, it emerges from the Articles of Association and information submitted that the Board can appoint and re-appoint one another without the input from the majority community served, save for the participation by the two community representatives as per the minutes. This is as evidenced by paragraph five (5) of the minutes of 30 November 2012 where Mr Thafeng, Mr Nkutha and Mr Mosiya retired by rotation and were all re-elected subsequent to a motion which was passed for the three (3) to serve as Soweto TV directors (*See Appendix C*).

Clause 3.3 of Schedule A of the licence provides that:

“The Licensee shall establish an editorial committee to set up editorial policy of SOWETO TV and to maintain oversight role of policy implementation. The committee will comprise of community nominated by members of the community”.

The Licensee submits that it has an editorial committee. The committee is made up of four (4) members as follows: two (2) Board members, the Station Manager and the management company representative.

The Editorial committee meetings are held on a monthly basis. The last editorial committee meeting was held on 04 May 2012 (*See Appendix D*).

The committee is not constituted of community nominated by members of the community as stipulated in clause 3.3 of the licence. The Licensee submitted that moving forward it will look into formulating a fully representative Editorial committee.

The Licensee does not comply with clause 3.3 of Schedule A of its licence.

Clause 3.4 of Schedule A of the licence provides that:

“Notwithstanding any assistance to the Licensee, the Licensee must ensure that no foreign entity exercises control over the management, programming, or any decision-

making of the Licensee, or exercises or influence over the editorial content of the broadcasting service”.

The Licensee confirms that its management, programming, and decision-making is not controlled by foreign entity.

The Licensee complies with clause 3.4 of its licence.

Clause 3.5 of Schedule A of the licence provides that:

“The Licensee shall implement measures and establish structures to encourage and implement control of the broadcasting service by persons from historically disadvantaged groups”.

The Licensee submits that it complies with the above requirement as its management board is constituted of people from historically disadvantaged groups (*See Appendix E*).

Based on the information submitted, the Licensee complies with clause 3.5 of Schedule A of its licence.

3.4 Programming

Clause 4.1.1.1 of Schedule A of the licence provides that:

“The Licensee shall broadcast 195 minutes of news daily”.

The Authority’s monitoring exercise revealed that the Licensee broadcasts news daily from Monday to Friday between 18h00 and 18h15, and a repeat between 19h00 and 19h15. The news bulletins last for fifteen (15) minutes. There is no news broadcast on weekends.

In total Soweto TV broadcasts thirty (30) minutes of news daily.

The Licensee does not comply with clause 4.1.1.1 of Schedule A of its licence.

Clause 4.1.1.2 of Schedule A of the licence provides that:

"The Licensee shall broadcast 80% local, 15% national and 5% international news".

The Authority's monitoring exercise revealed that the Licensee broadcasts news as stipulated in its licence. The following is a breakdown of news items identified:

Local news

- *"Six people died in a taxi accident on N1 in Nasrec, Johannesburg, five were left seriously injured, there is no other car that was involved";*
- *"The four Dobsonville gang rape accused are set to appear in the Magistrate Court for a bail application. They are charged for raping a 17 year old mentally disturbed teenage girl";*
- *"A man's body was found floating in Braamfischer River. The body was discovered by a passer-by who went out looking for wood";*
- *"Sidwell Kebone, a Metro Police Officer who was shot and killed on his way to work was remembered today. He was shot 7 times and his duty fire-arm was stolen";*
- *"Baragwanath Hospital was hit by power outages due to cable theft, sixteen operating theatres were without electricity. The available generators were not functional as they have not been serviced in a long time";*

- *"A number of abandoned babies is on the rise in SOWETO. A new-born baby in a plastic bag was found by a 13 year old boy in Dlamini yesterday afternoon. This is the second incident two weeks after an abandoned new-born was found on a doorstep in Zola, SOWETO";*
- *"The City of Joburg in conjunction with SOWETO Mayoral Representative held a first integrated developmental plan at the Pimville Multipurpose Center. The gathering is part of the City's outreach programme to get the public to participate in the budget plan. The Mayor of Johannesburg, Parks Tau has urged the public to participate in such as programmes as it is critical to get their views"; and*
- *"Nancefield residents are up in arms over the lack of service delivery; they also want their Councillor to step down as he has failed to address their issues".*

National News:

"PAC person Mondli Mayiva said that the public is entitled to a full investigation due to the seriousness of the allegations on him";

"COSATU has vowed to mobilise its 2 million members to join a massive e-toll strike".

International News

"Ethiopia is rated as one of the top 10 oppressors of internet media. This has sparked violence in several African states. In Somalia, several journalists have been assassinated and in Ivory Coast, journalists are also under attack".

Approximately 80% local news, 15% national and 5% international was monitored.

The Licensee complies with clause 4.1.1.2 of Schedule A of the licence.

Clause 4.1.1.3 of Schedule A of the licence provides that:

"The Licensee shall broadcast news and current affairs programmes that reflect regional and provincial events and developments".

The monitoring exercise revealed that the Licensee broadcasts a variety of current affairs programmes. The following are some of the current programmes identified during the period under review which reflected regional and provincial events and developments:

- *"Behind The Headlines"* broadcast on Monday between 19h15 to 20h00; Tuesdays between 10h45 to 11h45 and Fridays between 15h15 to 16h00. A discussion about Operation Khanyisa was identified;
- *"Switched On"* broadcast Mondays to Fridays between 16h00 and 17h00;
- *"Phaphama"* broadcast on Tuesdays between 12h00 and 12h30; and
- *"Mbokodo"* broadcast on Wednesdays between 12h30 and 13h00.

The Licensee complies with clause 4.1.1.3 of Schedule A of its licence.

Clause 4.1.1.4 of Schedule A of the licence provides that:

"The Licensee shall have full editorial control in respect of the contents of its news programming".

The Licensee has a management agreement with Urban Brew, a content producer.

The Authority has this agreement in its possession. Clause 4.1 read with 4.1.8 provide that: *"Urban Brew's principal output and overall responsibility shall be to fully resource and implement the broadcasting, production and sales facilities for the channel. To this*

end, *“the management services to be provided by Urban Brew to STV for the term of this agreement shall be the provision of programme scheduling management services for content which is broadcast on the content”*.

Although the Licensee has confirmed that it has an editorial committee under 3.3 of this report, the Authority cannot confirm that the Licensee exercises full editorial control of its news programming in view of the provision of the management agreement. The Authority will engage the Licensee further on this matter, in order for the Licensee to demonstrate how it exercises editorial control of its news programming as per clause 4.1.1.4 above.

3.5 Local Content Obligations

Clause 4.1.2.1 of Schedule A of the licence provides that:

“The Licensee shall broadcast programming from the coverage area, which reflects the diversity of local cultures, highlights grassroots community issues and reflects the needs of people in the community including language, religious and demographic needs”.

The Authority’s monitoring exercise confirmed that the Licensee provides programming which is reflective of the diversity of cultures, highlights grassroots community issues and reflects the language, religious and demographic needs of the community. The following programmes were some of the programmes identified:

“Love Life-Move On”: This programme discussed *“ukuhlolwa”* (virginity testing), which is a cultural practice for Zulu speaking people. The practice is prevalent in rural areas of Kwa-Zulu Natal;

“Siyayinqoba-Beat it”: The programme discussed grassroots community issues such as ill-treatment and ostracisation of people who are infected with HIV/AIDS by society and at times their families. A guest speaker, Amelia Fiki from Treatment Action

Campaign indicated that some families will not allow their infected family members to utilise their cups, utensils and such actions result in the infected person/s feeling discriminated against.

Further, the Licensee broadcasts a variety of religious programmes the following are some of the programmes identified with religious content:

- "Ezomoya";
- "The Grace of God International";
- "Morning Service";
- "Atmosphere for Miracles";
- "Gospel Fire";
- "Nazareth Baptist Church"; and
- "God's Presence Healing Ministry".

The Licensee complies with clause 4.1.2.1 of Schedule A of the licence

Clause 4.1.2.2 of Schedule A of the licence provides that:

"25% of the Licensee's broadcast period shall consist of South African Content over a period of a week".

The Authority's monitoring exercised confirmed that the Licensee's broadcast period consists of South African Content over a period of a week. More than 30% of South African content was monitored (*See section on local content obligations*).

The Licensee complies with clause 4.1.2.2 of Schedule A of its licence.

Clause 4.1.2.3 of Schedule A of the licence provides that:

"The Licensee shall broadcast programming that develops and promotes South African culture and talent through programmes produced from the coverage area".

The Authority's monitoring exercise confirmed that the Licensee broadcasts programmes that seek to develop and promote South African culture and talent; which programmes are produced from the Licensee's coverage area.

"Marubini" is one of the programmes identified. The programme exposes different South African cultures and talent through music, dance and storytelling in different South African languages. The different traditional dances identified were SeSotho, IsiZulu, Tshivenda, Xitsonga, Swati and Pedi.

The programme also showcases artists and actors' talent and potential. Tembani Boys and George Mulaudzi were among those identified.

The Licensee complies with clause 4.1.2.3 of Schedule A of the licence

Clause 4.1.2.4 of Schedule A of the licence provides that:

"The Licensee's programming must reflect the needs of the people in the community which must include amongst other things, cultural, religious, language and demographic needs and must:

4.1.2.4.1 Provide a distinct broadcasting service from other broadcasting services that deals with community issues;

4.1.4.2. Be informative, educational and entertaining;

4.1.4.3. Focus on the provision of programmes that highlight grassroots community issues, that includes developmental issues, health care, basic information and general education, environmental affairs and the reflection of local and international culture; and

4.1.4.4 Promote the development of a sense of common purpose with democracy and improved quality of life".

The Authority's monitoring exercise confirmed that the Licensee broadcasts programmes as stipulated above. The following are some of the programmes identified:

"*Soul Therapy*", the programme deals with community issues, such as "Alcoholism" and how alcohol affects one's life, and difference between social drinking and problem drinking;

"*Mbokodo*", deals with pregnancy related issues. This programme includes a studio guest expert. During the period monitored, Doctor Matjila explained in detail the process of getting pregnant and the dynamics thereof.

In addition, the Licensee broadcasts a variety of entertainment programmes such as "*The LKG show*", "*Lifestyle 011*", "*Sistas*", "*Dlala Ngeringas*", "*Kasi Vibe*", "*Urban Xplosion*" and "*Tshedimosetso*". The programmes dealt with exhibitions, beauty, magazines and fashion shows.

In terms of health care, programmes such as "*Phaphama*" and "*House Call*" were identified. The programmes tackled diseases such as Polio, genetic disorders and what to do to avoid overeating.

The Licensee complies with clause 4.1.2.4 of Schedule A of its licence.

Clause 4.1.2.5 of Schedule A of the licence provides that:

"The Licensee shall broadcast its programmes in terms of the table below indicating the programmes and duration of each per week":

Programmes	Duration
<i>Music</i>	<i>37.5 hrs</i>
<i>News</i>	<i>22.5 hrs</i>
<i>Talk</i>	<i>47 hrs</i>
<i>Magazine and Variety</i>	<i>15 hrs</i>

The Authority's monitoring exercise revealed that the Licensee's weekly output is as follows:

Music= 37 hours 30 minutes:

Music played by the Licensee was identified in the following programmes amongst others: Kasi Lebo Muntuza", "Street Radio", "Switched ON", "Kasi Vibes", "Kasi Kitchen" "Just music Reggae", "Tshedimosetso", "Soul of Jazz", "Ezomoya" and "Marubini".

News= 2 hours 30 minutes

The Licensee broadcasts news from Monday to Friday between 18h00 and 1h30 and a repeat between 19h00 and 19h15, amounting to a total of a weekly average of 2hours and 30 minutes.

Talk=55 hours

A significant amount of talk programming was monitored. The following were some of the talk programmes was identified:

- *"Behind The Headlines";*

- "Speaker's Voice" ;
- "Mbokodo";
- "Phaphama";
- "Soul Therapy";
- "SOWETO Today";
- "LKG Show" ;
- "Switched ON"; and
- "VOA Straight Talk Africa".

Magazine and Variety =17 hours

The Following programmes were identified as some of the programmes containing youth content:

- "Sisters" ;
- "Speakers Voice";
- "Gadgets" ;
- "Dlala nge Ringas" ;
- "Urban Xplosion" ;
- "Switched ON" ; and
- "Street Radio"

The Licensee has during the period under review complied with music, talk and magazine and variety hourly requirements but has failed to comply with the 22.5 hours news requirement.

Clause 4.1.2.6 of Schedule A of the licence provides that:

"The Licensee shall broadcast 40% local content".

The Authority's monitoring exercise confirmed that the Licensee's programming is dominated by local content. International or foreign content was identified but this was very miniscule. Such content included programming called "Al Jazeera". The rest of the Licensee's programming as indicated in this report, comprised of local content programming. Approximately sixty five 65% local content programming was identified.

The Licensee complies with clause 4.1.2.6 of Schedule A of its licence.

3.6 Language(s) of Broadcast:

Clause 4.1.3 of Schedule A of the licence provides that the languages of broadcast are:

"4.1.3.1 isiZulu and isiXhosa 50%

4.1.3.2 SeSotho 30%;

4.1.3.3 English, Sepedi and Setswana 20%".

The Authority's monitoring exercise indicated that isiZulu and English are the dominant languages of broadcast; isiXhosa language was not identified which is not in line with clause 4.1.3.1 above.

The other languages of broadcast identified were Sepedi and Setswana, these were minimal in percentage as per the licence. Further, seSotho constituted 30% as per the licence requirement. The Licensee also uses "Township Lingo" or "Tsotsi Taal".

The Licensee does not comply with clause 4.1.3 of the licence.

3.7 Broadcast Hours

Clause 4.1.4 of Schedule A of the licence provides that:

"The Licensee shall broadcast for 24 hours a day".

The Licensee confirms that it broadcasts for twenty four (24) hours a day. This was confirmed during the Authority's monitoring exercise.

The Licensee complies with clause 4.1.4 of Schedule A of its licence.

4. Special Licence Conditions

Clause 1 of Schedule B of the licence provides that:

"The Licensee must amend its founding documents to provide for a quorum for the Annual General Meeting of SOWETO TV within 90 days of issuing of the licence"; and

Clause 2 of Schedule B of the licence provides that:

"Failure to comply with the condition mentioned above, the Authority may revoke the licence issued to SOWETO TV".

When the Authority made a follow-up with the Licensee with regards clause 1 of Schedule B of its licensee, the Licensee conceded that it does not comply with this requirement. Board member Mr Tshepo Thafeng stated as follows: *"I have searched for the information and I realised that it was not done. I think we oversighted the call based on excitement of obtaining the licence. We are prepared to fix the situation..."* (See Appendix F).

The Licensee does not comply with clause 1 of Schedule B of the licence.

5. REGULATIONS

5.1 Regulations regarding Standard Terms and Conditions for Individual Broadcasting Licences

During the previous financial review, Authority did not identify any areas of non-compliance with the standard terms and conditions for Class licences by Soweto TV.

5.2 Universal Service and Access Fund

Regulation 3 (1) of the Regulations in respect of Prescribed Annual Contributions of Licensees to the Universal Service and Access Fund (USAF) as published in the Government Gazette, no 31499 of April 2009 provides that:

"Every holder of a Licence granted in terms of Chapter 3 or converted in terms of chapter 15 of the Act, must pay an annual contribution of 0.2% of the annual turnover, derived from the licensee's licence activity, to the Fund (the Fund)".

Further, Regulation 3 (3) provides that:

"A broadcasting service licensee who has paid an annual contribution to the Media Development and Diversity Agency (MDDA) must set off that contribution against its prescribed annual contribution to the Fund" (See USAF Regulations attached as Appendix F).

The Licensee has paid an amount of five thousand, eight hundred and sixty seven rand and one cent (R 5867.01) for the period ending June 2012. Proof of payment was duly submitted to the Authority.

The Licensee has complied with regulation 3(1) and 3(3) of the USAF Regulations.

6. CONCLUSION

The Licensee has complied with most of its licence terms and conditions, except for clause 3.3 of Schedule A, 4.1.1.1, 4.1.2.5 (news requirement), 4.1.3 and clause 1 of Schedule B of its licence (Special Licence Conditions)

7. APPENDICES

Appendix A: Broadcasting Service Licence

Appendix B: Chairperson's letter

Appendix C: AGM Minutes – 30 November 2012

Appendix D: Editorial Policy and minutes of the Editorial Committee

Appendix E: Staff compliment list

Appendix F: Board response e-mail