



VALLEY FM ANNUAL COMPLIANCE REPORT

MARCH 2025

2023/2024 ANNUAL COMPLIANCE REPORT

VALLEY FM RADIO BROADCASTING AS VALLEY FM

Licence Period: 28 October 2023 – 27 October 2030

1. PREFACE

The Independent Communications Authority of South Africa (Authority) has a statutory mandate in terms of the Constitution, the Independent Communications Authority of South Africa Act¹ (ICASA Act), the Electronic Communications Act² (ECA) and the Broadcasting Act³ to regulate broadcasting activities in South Africa in the public interest. One of the Authority's main tasks is to monitor broadcasters' compliance with the terms and conditions of their licence, the three Acts mentioned already, and any relevant legislation and regulations.

This report is intended to give account of Valley FM's compliance with the terms and conditions set out in its licence, for the 2023/2024 financial year. Aspects of compliance that are measured comprise Geographic Coverage, Community Participation, Programming, Format, News and Information, Local Content Obligations, Language(s), South African Music Content Regulations and Regulations Regarding Standard Terms and Conditions.

2. BACKGROUND

On 21 April 2023, a renewed Class Broadcasting Service licence was issued to Valley FM with licence number Class/Re/Com/R83/Apr/23. As per the licence, Valley FM must provide services to Breede River Valley, Worcester, Robertson, Ashton, Rawsonville, Hex River Valley, De Doorns, Sandy Hills, Touwsriver and the surrounding areas in the Western Cape Province as set out in the Licensee's Radio Frequency Spectrum license.

3. COMPLIANCE ASSESSMENT

3.1 Licensee

Clause 1 of the Schedule of Valley FM's licence provides that:

1 Act No 13, 2000 as amended.

2 Act No 36, 2005.

3 Act No. 4 of 1999.

"The Licence⁴ is issued to:

1.1. Name of entity: Valley FM Radio

1.2. Name of the Station: Valley FM

1.3. Control of the Licensee: Control of the station shall vest in the Board of Directors of a Non-Profit Company known as Valley FM."

The monitoring exercise confirmed that the information in clause 1 of the Schedule to Valley FM's licence did not change during the period under review.

The Licensee complied with clause 1 of the Schedule to its service licence.

3.2 Licence Period

Clause 2 of the Schedule of Valley FM's licence provides that:

"2.1 The effective date of the licence is 28 October 2023.

2.2 The licence shall expire on 27 October 2030."

Valley FM licence expires on 27 October 2030. The Licensee will be eligible to lodge its renewal application from 27 October 2029 and no later than six (6) months prior to the date of expiry.

There is no need for compliance findings regarding this clause at this stage.

3.3 Licence Area

Clause 3 of the Schedule to Valley FM's licence provides that:

"The Licensee shall provide services to Breede River Valley, Worcester, Robertson, Ashton, Rawsonville, Hex River Valley, De Doorns, Sandy Hills, Touwsriver and the surrounding areas in the Western Cape Province as set out in the Licensee's radio frequency spectrum licence."

Valley FM confirms that it provides services within its licensed coverage area. The Authority has not received any reports or complaints indicating that Valley FM has provided services outside of its prescribed coverage area.

The Licensee complied with clause 3 of the Schedule to its service licence.

⁴ Valley FM's service licence.

3.4 Community

Clause 4.1 of the Schedule to Valley FM's licence provides that:

"4.1 The Licensee shall provide services to a general Afrikaans Cultural community of interest residing within the geographic coverage area specified herein."

The monitoring exercise confirmed that the Licensee provides services to a general Afrikaans Cultural community of interest residing within the geographic coverage area specified herein.

The Licensee complied with clause 4.1 of the Schedule to its service licence.

Clause 4.2 of the Schedule to Valley FM's licence provides that:

"4.2 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 and listener's organisations focusing on programming and programme-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 the attendance thereof by members of the community.

4.2.3 The Licensee shall hold Annual General Meetings (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 has confirmed that it did not hold an Annual General Meeting or the two compulsory meetings with its community focusing on programming and programming-related matters.

The Broadcasting Compliance Unit met with the Licensee on 18th September 2024, to discuss the abovementioned matters and to advise them on the necessary remedial actions, to address their non-compliance with clause 4.2. The Authority will continue to assist and monitor the Licensee's progress in implementing the agreed-upon plan.

The Licensee does not comply with clause 4.2 of the Schedule to its service licence.

3.5 Programming

Clause 5.1.1 of the Schedule of Valley FM's licence provides that:

"Local News and Information obligation: The Licensee shall broadcast a total of 11 minutes of news per day. This shall broadcast news from the community produced by the station on issues affecting the community."

Some of the news that was covered during the period under review include:

- *"Eskom het fase twee beurtkrag ingestel tot vier vanmiddag waarna fase drie tot more oggend vyf-uur van krag sal wees. Hierdie patroon van fase twee in die oggend en fase drie in die middag sal tot verdere kennisgewing herhaal word. Eskom se woordvoerder sê die stabiliseer van die kragstelsel het daartoe gelei dat beurtkrag tot fase twee verlaag kon word maar die verwagte vraag na elektrisiteit gedurende die week noodsaak die toepassing van fase drie."*
- *"'n Nuwe opname toon dat die ANC se gewildheid taan en indien die verkiesing môre sou plaasvind sal die party slegs nege en dertig persent van die stemme kry. Die opname is deur 'n professor van die Universiteit van die Watersrand gedoen en daar is met nege duisend mense onderhoude gevoer. Die opname het ook bevind dat kiesers belangstel in die veel party handves wat uit elf partye bestaan wat na die verkiesing n koalisie wil vorm."*
- *"Die Onafhanklike Verkiesingskommissie sê die finale kiesers registrasie naweek voor die verkiesing het goed verloop. Meer as 'n halfmiljoen registrasies is Saterdag by ses duisend drie honderd en drie stemlokale*

aangesteken. Teen een uur gister middag was daar reeds 'n totaal van 564 715 registrasies aangeteken. Voorlopige syfers toon KwaZulu-Natal het die meeste registrasies aangeteken."

- *"Die Minister van Indiensneming en Arbeid, het 'n nuwe nasionale minimum loonvastelling aangekondig van R25,70 tot R27, 58 vir elke gewone uur wat gewerk word. Dit tree op die eerste van volgende maand inwerking. Die Departement se woordvoerder sê die vastelling sluit in die kwesbare sektore van plaaswerkers en huiswerkers wat sedert 2022 in ooreenstemming met minimum loonkoerse gebring is."*

The monitoring exercise revealed that the Licensee broadcasts more news than the required eleven (11) minutes daily. On average, the Licensee broadcasts four (4) minutes of news per bulletin. News bulletins are aired daily at 08:00, 09:00, 11:00, 13:00, and 17:00. The average total of news broadcasts per day is twenty (20) minutes.

The Licensee complied with clause 5.1.1 of the Schedule to its service licence.

Clause 5.1.2 of the Schedule to Valley FM's licence provides that:

"South African Music Content: 80%."

The details and findings regarding the Licensee's South African music content output are discussed under 4.1 below.

Clause 5.1.3 of the Schedule to Valley FM's licence provides that:

"Talk vs. Music: 60% Talk and 40% Music."

The monitoring exercise found that the Licensee's format is sixty percent (60%) talk programming and forty percent (40%) music.

The Licensee complied with clause 5.1.3 of the Schedule to its service licence.

Clause 5.1.4 of the Schedule to Valley FM's licence states that:

"Language(s) of broadcast

5.1.4.1 English – 5%;

5.1.4.2 Afrikaans – 80% and

5.1.4.3 isiXhosa – 15%”

The monitoring exercise found that the licensee only airs programming in Afrikaans. There is no programming in isiXhosa or English, only music. The issue was discussed with the Licensee during a meeting that was held on, 18 September 2024. The Licensee advised that they are currently in the process of recruiting presenters who are fluent in isiXhosa and English. The Authority will continue to monitor the Licensee’s progress in meeting the requirements of clause 5.1.4 of its licence.

The Licensee does not comply with clause 5.1.4 of the Schedule in its service license.

3.6 Promise of Performance

Clause 8.1 of the Schedule to Valley FM’s licence states that:

“The Licensee shall establish and maintain democratically elected Advisory panels that consist of representatives of community-based organisations, non-governmental organisations, cultural organisations and individual members from its coverage area in the promotion of community issues.”

As discovered during the monitoring exercise, the licensee did not set up the necessary democratically elected advisory panels. The Authority’s Broadcasting Compliance Division discussed this matter with the Licensee during the meeting that was held with them on, 18 September 2024. The Licensee has committed to establishing and maintaining democratically elected advisory panels by the end of the 2024 calendar year and providing the Authority with the necessary progress updates and the evidence in that regard. The Authority will monitor the Licensee's progress in establishing the advisory panels.

The Licensee does not comply with clause 8.1 of the Schedule to its licence.

Clause 8.2 of the Schedule to Valley FM’s licence states that:

"60% of the Licensee's talk programming content shall be aimed at education, discussions on community health issues, literacy and information to the community. This shall include informal education such as skills development."

The monitoring exercise found that the Licensee's talk programming content focuses on education. During the period under review, various topics relating to health, literacy, and skills development were found, such as substance abuse and its relationship to gender-based violence, family values, the taxi strike, the health risks associated with vaping, what the requirements are to qualify for legal aid, and the impact of poverty on children.

The Licensee complied with clause 8.2 of the Schedule to its Licence.

Clause 8.3 of the Schedule to Valley FM's licence states that:

"The Licensee shall broadcast programmes relating to children, youth, adults, the elderly and persons with disabilities."

The monitoring exercise confirmed that the programmes broadcast by the Licensee are relevant to children, youth, adults, the elderly and persons with disabilities. For example, the Licensee broadcasts *"Jeug Joernaal"* from 14h30, focusing on youth-related matters. The Licensee's program, *"Sportsjoernaal"*, focuses on different sports. The Licensee interviewed Farmeda Shiran, the CEO of Tafta, to discuss elder abuse, and a Miss South Africa finalist, Nonde Mabala, was interviewed. The Licensee broadcasts children's programming called *"Kinderland"* daily from 09h05. The Licensee further regularly discusses themes relevant to people with disabilities and engages with representative organisations.

The Licensee complied with clause 8.3 of the Schedule to its licence.

4. REGULATIONS

4.1 ICASA South African Music Content Regulations, 2016.

Regulation 3 of the South African Music Content Regulations⁵ as published on 23 March 2016 provides that:

⁵ ICASA South African Music Content Regulations, 2016 as published in *Government Gazette* No. 39844 dated, 23 March 2016.

"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%, 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".

The monitoring exercise found that the Licensee broadcasts an average of sixty percent (60%) of South African music. Some of the South African music that was found include:

Mahlathini & the Mahotella Queens "Kazet"; Freddie Gwala "Khiphidayimane"; Dominic Swartz feat. Keeno Lee "Neon Lights"; Fezeka Dlamini, Nomfundo Moh & Naledi Aphiwe "Uyangijabulisa"; DJ Fisherman & NaakMusiQ feat. Dreamteam, Danger & DJ Sk's "Call Out"; Majozi & Mthandazo Gaty'a's "Mi Amor"; Amy Jones's "Alone No More".

The Licensee does not comply with the ICASA South African Music Content Regulations.

4.2 ICASA Compliance Procedure Manual Regulations, 2011.

The Licensee is required, in terms of the Compliance Procedure Manual Regulations⁶, to submit various forms throughout the financial year. The Licensee

During the review period, the Licensee submitted the required forms as per the Compliance Procedure Manual Regulations.

The Licensee complied with the Compliance Procedure Manual Regulations, as stated above.

4.4 Standard Terms and Conditions for Class, 2010.

The monitoring exercise did not uncover any contraventions of the abovementioned Regulations for the period under review.

⁶ ICASA Compliance Procedure Manual Regulations, 2011 as published in *Government Gazette* No. 34863 dated, 15 December 2011.

5. CONCLUSION

During the review period, the monitoring exercise identified several instances of non-compliance. These include the absence of community participation through annual general meetings or programming meetings with the community, lack of programming in two out of three prescribed languages, South African music content falling below the required 80%, and failure to establish advisory panels as mandated by the license.

On 18 September 2024, the Authority communicated with the Licensee to address the non-compliance mentioned above and agree on how to rectify the areas of non-compliance. The Authority will oversee the Licensee's progress and determine whether it is necessary to refer the matter to the Authority's Complaints and Compliance Committee ("CCC").

6. TERMS OF REFERENCE

- 6.1 Annexure A: Valley FM's Class broadcasting service and spectrum licence
- 6.2 Annexure B: Regulations on South African Music Content
- 6.3 Annexure C: Compliance Procedure Manual Regulations
- 6.3 Annexure D: Regulations on Standard Terms and Conditions for Class Licences

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