



**VUMA 103 FM (PTY)
LTD
ANNUAL
COMPLIANCE REPORT**

MARCH 2025

2023/2024 ANNUAL COMPLIANCE REPORT

VUMA 103 FM (PTY) LTD BROADCASTING AS VUMA FM

Licence Period: 25 May 2022 - 24 May 2032

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 (“ICASA Act”)¹, the Electronic Communications Act² (“ECA”) and the Broadcasting Act³ 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 licences, the three Acts and any relevant legislation and Regulations.

The purpose of the report is to give an account of Vuma 103 FM (Pty) Ltd (“Licensee”)’s performance for the 2023/2024 financial year. Aspects of compliance measured comprise geographic coverage, language(s) of broadcast, broadcast content format, staff development and employment equity plan, general programming obligations, ownership by individuals from historically disadvantaged groups, Regulations Regarding Standard Terms And Conditions For Individual Broadcasting Services, General Licence Fees Regulations, Regulations In respect of the Prescribed Annual Contributions of Licensees to the Universal Service Access Fund and South African Music Content Regulations.

2. BACKGROUND

Vuma 103 FM holds an Individual Commercial Sound Broadcasting Service (“ICSBS”) licence and a Radio Frequency Spectrum (“RFS”) licence (collectively referred to as “licences”) for the provision of services to Durban, Donnybrook, Eshowe, Glencoe, Kokstad and Newcastle in the Province of KwaZulu-Natal. The

¹ ICASA Act, 2000 (Act No. 13 of 2000) as amended

² Electronic Communications Act, 2005 (Act No. 36 of 2005)

³ Broadcasting Act, 1999 (Act No. 4 of 1999)

Licensee also reported that the Kokstad transmitter has been suspended due to financial constraints on the Arena Group.

3. COMPLIANCE ASSESSMENT

3.1. Ownership and Control

Clause 1.1 of the service licence provides as follows:

*"Name of Entity: Vuma 103 FM (Pty) Ltd."*⁴

The Licensee confirms that the name of the entity is Vuma 103 FM (Pty) Ltd.

The Licensee complies with clause 1.1 of its service licence.

Clause 1.2 of the service licence provides as follows:

"Shareholders: Lebashe Investment Group (Pty) Ltd – 100%."

The Licensee confirms that Lebashe Investment Group (Pty) Ltd is the sole shareholder.

The Licensee complies with clause 1.2 of its service licence.

Clause 1.3 of the service licence provides as follows:

"Ownership held by persons from historically disadvantaged groups: 100%."

The Licensee confirms that ownership held by persons from historically disadvantaged groups (HDGs) is at 100%.

The Licensee complies with clause 1.3 of the schedule to its licence.

3.2 Geographic Coverage Area

Clause 3 of the schedule to the service licence stipulates that the geographic coverage area is:

"Durban, Donnybrook, Eshowe, Glencoe, Kokstad and Newcastle in KwaZulu-Natal, as defined in the coverage map attached to the Licensee's radio frequency spectrum licence."

⁴ Appendix A: Vuma 103 FM's service licence

The Licensee confirms that the licensed geographic coverage area remains as defined and specified in its licences.

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

3.3 Broadcast Language

Clause 4 of the schedule to the service licence states that:

"The Licensee shall broadcast in 50% isiZulu and 50% English."

The Authority's monitoring exercise confirmed that both English and isiZulu are used interchangeably and are proportionally represented in the Licensee's programming. The Licensee introduces itself in both languages and public service announcements are in English and IsiZulu. Presenters converse among themselves and with guests in both languages of broadcast in shows such as "Vuma FM Breakfast", "Cruise" and "The Motion Drive" and news, weather, traffic, advertisements and sports are presented in English and IsiZulu. Messages and comments from listeners that are posted on the Licensee's social media platforms and are read during broadcasts are also in English and isiZulu. The Licensee confirms that proficiency in English and isiZulu is a requirement for all their presenters and journalists.

The Licensee complies with clause 4 of the schedule to its service licence.

3.4 Format

Clause 5.1 of the schedule to the service licence provides as follows:

"The Licensee shall have a format that is 60% music and 40% talk."

Further, clause 5.2 of the schedule to the licence states as follows:

"Of the music broadcast, more than 50% of the music featured on the music playlist shall be gospel."

Furthermore, clause 5.3 of the schedule to the licence states that:

"Of the talk broadcast, a minimum of 15 hours a week shall be gospel/spiritual-related."

The Authority's monitoring exercise determined that the Licensee complies with the prescribed format. The 60% music versus 40% talk quota is adhered to. The Licensee's playlist is predominantly gospel music; "Mega Grace" broadcast between 05h00 and 06h00 on weekdays and between 06h00 and 10h00 on Sundays features exclusively a gospel playlist. Further, the "The Weekend Special" broadcast between 06h00 and 09h00 on Saturday features a predominantly gospel playlist. The Licensee also broadcasts more than fifteen (15) hours of gospel-related talk content per week.

The Licensee complies with clauses 5.1 – 5.3 of the schedule to its service licence.

3.5 Local Content Obligations

Clause 6 of the schedule to the service licence states that:

"40% of the music broadcast shall be South African music, measured on a weekly basis."

The monitoring exercise confirmed that Vuma 103 FM broadcasts weekly, on average between 45 and 50% South African music. The following are some of the artists that were featured: Ntokozo Mbambo "Imisebenzi Yakho", Joyous Celebration "Ngizolibonga", Andile KaMajola "Uyini Umuntu", Ntokozo Ngongoma "Izindlela Zakhe", Senzo Khumalo ft. Lindani Gumede "Kunendoda", M-Siya "Ngithemele Kuwe", Sophelele Miya "Umuhle Jesu" and many more.

The Licensee complies with clause 6 of the schedule of its service licence.

3.6 General Programming Obligations

Clause 7.2 of the schedule to the service licence states that:

"The Licensee will broadcast its news in English and isiZulu."

The monitoring exercise confirmed that the Licensee broadcasts its news bulletins in both English and isiZulu. For example, out of thirteen (13) news bulletins the Licensee broadcasts eight (8) news bulletins in English and the other five (5) news bulletins in isiZulu. It should also be noted that sound bites during a news bulletin can either be in English or isiZulu.

The following are among the news stories covered for the period under review:

- *"Umngeni Mayor and DA Premier candidate Chris Papas says the country has more reason to head to the polls in May and vote for change. Papas was addressing community members at Mtubatuba town hall north of the province.";*
- *"Ungqongqoshe wezoku thuthukiswa komnotho nezemvelo esifundazweni u Siboniso Duma uthi bazokuqinisekisa ukuthi umnyango owandisa amathuba emisebenzi ekukhulukazi kubantu abasha. U Duma uphawule kanje njengobizolo ethule uhlelo le EPWP Green job nokuluhlelo elizoqasha abantu abasha komasipala abahlukene."; and*
- *"President Cyril Ramaphosa says members of the MK Party who have threatened unrest if the party is excluded from the 29th of May elections will be arrested. Members of the Umkhonto Wesizwe Party have said there will be civil war if their candidates are not allowed to stand."*

The Licensee complies with clause 7.2 of the schedule to its service licence.

Clause 7.3 of the schedule to the service licence states that:

"The Licensee shall broadcast news on a regular basis, a total of fifty-two (52) minutes each weekday and twenty-four (24) minutes on weekends between 05h00 and 23h00."

During the period under review, the Licensee broadcasts thirteen (13) news bulletins on weekdays from 06h00 to 18h00 and six (6) news bulletins on weekends between 07h00 and 13h00. The Authority's monitoring exercise confirmed that the Licensee's bulletins are four (4) to five (5) minutes in duration.

The Licensee broadcasts around sixty-five (65) news minutes on weekdays and thirty (30) news minutes on weekends.

The Licensee complies with clause 7.3 of the schedule to its service licence.

Clause 7.4 of the schedule to the service licence provides as follows:

"The Licensee shall ensure that 55% of its news content is local, 35% national and 10% international news per day."

The Authority's monitoring exercise confirmed that Vuma 103 FM is compliant with the above obligation.

The Licensee complies with clause 7.4 of the schedule to its service licence.

Clause 7.5 of the schedule to the service licence states that:

"Should the Licensee source news material from a news agency/source other than itself, the source(s) thereof shall be disclosed to the Authority."

The Licensee submitted its news sources to the Authority. Sources used are the South African Police Service, Provincial Municipalities, Accredited News websites, Paramedic services, South African Government Departments and Arena Holdings Group (Pty) Ltd.

The Licensee complies with clause 7.5 of the schedule to its service licence.

Clause 7.6 of the schedule to the service licence provides as follows:

"The Licensee shall broadcast thirty (30) minutes of current affairs programming per weekday. It will further ensure that the ninety per cent (90%) of current affairs be in isiZulu. Eighty per cent (80%) of the current affairs programming is to be generated from the coverage area."

The Authority's monitoring exercise confirmed that the Licensee broadcasts its current affairs programme "KZN in 60 minutes" between 20h00 to 21h00 on weekdays. The current affairs programme is predominantly presented in IsiZulu. Some of the stories that were covered are:

- *"Independent Electoral Commission ekuyi khomishani eyangamele ukhetho sebaveze ukuthi idolophu I Johannesburg qhuphe umlando lamadolophu uku register abantu abakulungele ukubhalisa ukuvota".*

- *"Umasipala we Theku usumemezele ukuba uyanxusa kubahlali ukuba basebenzise ama land fill sites mahala ukuba kulahlwe imfuncuza, kuba idolopha le Theku selikwisonto lesithathu ngenxa yesiteleka."*

The Licensee complies with clause 7.6 of the schedule to its service licence.

3.7 Ownership and control structures of the Licensee

Clause 8 of the schedule to the service licence stipulates that:

"The Licensee shall for the duration of this licence maintain at least thirty per cent (30%) ownership and control of the station by persons from historically disadvantaged groups."

Ownership and control held by persons from historically disadvantaged groups is at 100%.

The Licensee complies with clause 8 of the schedule to its service licence.

3.8 Special Conditions

Clause 9.1 of the schedule to the service licence provides for:

"The Licensee must comply with the requirements of the Employment Equity Act 55 of 1998 and the Skills Development Act 97 of 1998."

The Licensee submitted its workforce demographics to determine equitable representation in all occupational categories and levels in its workforce. Vuma 103 FM submitted their skills and development training initiatives⁵. The Licensee has submitted that training was provided for four (4) news interns and one (1) sports news intern between the months of April 2023 to March 2024.

The Licensee complies with clause 9.1 of the schedule to its service licence.

Clause 9.2 of the schedule to the service licence provides for:

"The Licensee shall employ a local news team specifically for the production of local news."

⁵ Appendix B: Vuma 103 ACR 2024

The Licensee provided information on the makeup of its local news team.

The Licensee complies with clause 9.2 of the schedule to its service licence.

Clause 9.3 of the schedule to the service licence states that:

"At least 50% of the employees employed by the Licensee shall be historically disadvantaged persons."

The Licensee submitted information on its workforce and 100% are historically disadvantaged persons.

The Licensee complies with clause 9.3 of the schedule to its service licence.

4. REGULATIONS

4.1 ICASA Compliance Procedure Manual Regulations, 2011

The Licensee is required, in terms of the Compliance Procedure Manual Regulations, as published in the *Government Gazette* No. 34863 dated, 15 December 2011 to submit a Form 12A which reports on all complaints received during the financial year under review. The Licensee submitted Form 12A and reported that they did not receive complaints for the period under review.

The Licensee complies with the ICASA Compliance Procedure Manual Regulations.

4.2 ICASA South African Music Content Regulations, 2016

Regulation 3(2) of the ICASA South African Music Content Regulations, as published in *Government Gazette* No. 39844 dated 23 of March 2016, state that:

"A holder of a commercial sound broadcasting service licence must ensure that after eighteen (18) months from the date of gazetting these Regulations, a minimum of 35% of the musical works broadcast in the performance period, consists of South African music and that such South African music is spread evenly throughout the performance period".

The Authority's monitoring exercise determined that the Licensee plays 45 and 50% of South African music per week. (**see 3.5 – clause 6 above**)

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

4.3 Regulations on Standard Terms and Conditions for Individual Broadcasting Services⁶

During the period under review, the Licensee is compliant with the Regulation above.

The Licensee complies with the Standard Terms and Conditions for Individual Broadcasting Services.

4.4 Universal Service and Access Fund Regulations, 2011

Regulation 3(1) of the Regulations in respect of the Prescribed Annual Contributions of Licensees to the Universal Service and Access Fund ("USAF") Regulations as published in the *Government Gazette* No. 34010 of February 2011, provides that:

"Every holder of the licence granted in terms of Chapter 3, 4 and/or 9 or converted in terms of Chapter 15 of the Act, must pay an annual contribution of 0.2% of the annual turnover, to the Fund".

Further, Regulation 3(2) provides that:

"A BS Licensee who has paid an annual contribution to the Media Development and Diversity Agency (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 of the same financial year"

⁶ Standard Terms and Conditions for Individual Broadcasting Services, 2023 published in *Government*

Gazette No. 48317, dated 28 March 2023.

The Licensee's financial year ends on 30 June and the USAF fees were paid directly to the MDDA in accordance with the prescribed timeframe.

The Licensee complies with the Regulations in respect of the Prescribed Annual Contributions of Licensees to the Universal Service and Access Fund.

4.6 ICASA General Licence Fees Regulations, 2012

Schedule 2 of the General Licence Fees Regulations as published in *Government Gazette* No. 36323 dated, 28 March 2013 provides for Individual Commercial Broadcasting Service Licensees to pay annually to the Authority a licence fee of between 0.15% to 0.35% of its licensed revenue (revenue from its licensed services).

Schedule 3(1) of the General Licence Fees Regulations provides for the format for submission of financial statements for the purpose of calculating licence fees.

Schedule 3(2) of the General Licence Fees Regulations provides that:

"All licence holders must submit within six (6) months of their financial year end:

- a) audited financial statements, or;*
- b) financial statements signed by the accounting officer of the Licensee where the Licensee is legally obliged to provide audited financial statements"*

Schedule 3(6) of the General Licence Fees Regulations provides that:

"All payments in respect of Annual Licence Fees are due annually"

The Licensee submitted its income statement and paid its annual licence fees to the Authority in accordance with the prescribed regulatory timeframes.

The Licensee complies with the ICASA General Licence Fees Regulations.

5. CONCLUSION

For the 2023/2024 financial year, Vuma 103 FM is compliant with all its licence terms and conditions and applicable Regulations.

6. TERMS OF REFERENCE

Appendix A: Vuma 103 FM's I-CSBS licence and RFS licence.

Appendix B: Vuma 103 ACR 2024

Appendix C: ICASA Compliance Procedure Manual Regulations, 2011

Appendix D: ICASA South African Music Content Regulations, 2016

Appendix E: Standard Terms and Conditions for Individual Licences, 2023, as amended

Appendix F: USAF Regulations, 2011

Appendix G: General Licence Fees Regulations, 2012