



WILD COAST FM ANNUAL COMPLIANCE REPORT

MARCH 2017

2015/2016 ANNUAL COMPLIANCE REPORT

WILD COAST FM 98.6 FM

LICENCE PERIOD: 29 MARCH 2012 – 29 MARCH 2018

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, the Electronic Communications Act of 2005³ (ECA) and the Broadcasting Act of 1999⁴ to regulate broadcasting activities in South Africa in the public interest. One of the main tasks of the Authority is to ensure 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 Wild Coast FM's compliance with its licence terms and conditions for the 2015/2016 financial year. Aspects of compliance that are measured comprise of Community, Annual General Meeting, Programming, Format, News and Information, Current Affairs, Local Content, Languages, Specific terms and Conditions.

2. BACKGROUND

Wild Coast FM was established in 2008 and it was registered as a Non-Profit Organisation (NPO) in 2010. It was granted and issued a licence by ICASA in March 2012 and went on air in November 2012.

¹ The Constitution of the Republic no: 108, 1996

² Act no: 13 of 2000 as amended

³ Act no: 36 of 2005

⁴ Act no: 4 of 1999

3. COMPLIANCE ASSESSMENT

Clause 1 of schedule of the licence stipulates that:

Name of the Station: "Wild Coast FM"

The radio station is known as Wild Coast FM, this was also verified when listening to programme recordings.

The Licensee has complied with clause 1 of its licence.

4. CONTACT DETAILS

Clause 2 of schedule of the licence stipulates that:

"The contact details of the Licensee must be as reflected on the licence. And should the Licensee propose to replace the person so designated. The License should notify the Authority in writing within seven (7) days after appointing the new designated person".

During the station visit, the Licensee confirmed that the contact details have not changed.

The Licensee has complied with clause 2 of its licence.

5. GEOGRAPHIC COVERAGE AREA

Clause 2 of schedule of the licence stipulates that:

"The coverage area is Buffalo Metropolitan Municipality and surrounding areas as set out in the Licensee's radio frequency spectrum licence".

The Licensee confirmed during the station visit that it provides service to the geographic community as stipulated above.

The Licensee has complied with clause 2 of its licence.

6. COMMUNITY

Clause 3 of the schedule of the licence stipulates that:

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

3.2 The Licensee shall provide for the participation of community members in the affairs of the station in the following ways:

3.2.1 The Licensee shall establish a Listener's Association and hold at least two (2) general meetings annually with the Listener's Association and the 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".

During the station visit on 08 October 2014, the Licensee indicated that they did not understand the clause properly. What they have been doing all along was to conduct outside broadcast as and when there is a community event. The Authority explained to the Licensee what this clause means. The Authority further advised the Licensee to submit minutes and attendance register whenever they engage with the community on programming matters of the radio station.

The Licensee undertook to come up with the plan of action and forward same to the Authority. Ever since the station visit, the Authority has neither received any update in this regard nor minutes and attendance of community meetings regarding programming as stipulated in the licence. The Authority has duly followed-up in this regard, the Licensee has not submitted the update report as expected.

The Licensee has failed to comply with clause 3 of its licence.

7. ANNUAL GENERAL MEETING (AGM)

Clause 3.2.3 of the licence stipulates 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".

The last AGM was held on 18 June 2015, the Licensee duly submitted the minutes and attendance register. Perusal of the minutes show that the Licensee did not provide feedback on the Licensee's compliance with licence conditions. The only feedback provided was on financials and operational matters of the station. There was no mention as to whether a new Board of directors was also elected.

The Licensee did not fully comply with clause 3.2.3.1 and 3.2.3.3 of its licence.

8. PROGRAMMING

Clause 4.1.1 of schedule of the licence stipulates that the Licensee shall provide programming as follows:

"Format shall be 70% talk and 30% music"

The monitoring exercise revealed that the Licensee broadcast talk and music as stipulated above.

The Licensee has complied with clause 4.1.1 of its licence.

8.1 NEWS and INFORMATION

Clause 4.1.2 of schedule of the licence stipulates that:

"The Licensee shall broadcast a total of 40 minutes of news per day and 45 minutes of news per weekend, of which 40% shall be national news, 30% shall be local news and 30% shall be international news".

The monitoring exercise revealed that the station broadcast 7 news bulletin each day weekdays and it is broadcast in English. The first broadcast commences at 07h00 and the last one at 18h00. The news broadcast is between 4 to 5 minutes, the total minutes of news monitored per week during the period under review was 40 minutes.

The monitoring exercise also revealed that the radio station broadcast a minimum of news per weekend. The station broadcast one news bulletin on each day over the weekend. Only 10 minutes of news over the weekend were identified.

Herewith are some of the news that were identified during the monitoring exercise:

Local:

"Gauteng Police has denied that a person has been killed in violent clashes in the East Rand. Several media reports suggested that one person was killed as shops were looted during violent protests after residents came back from a meeting."

National:

- *"The Constitutional Court will at 10 a.m today hand out a judgement on the Nkandla matter. The judgement follows an application by the Economic Freedom Fighters (EFF) , Democratic Alliance (DA) and others. The opposition parties brought this matter before the Court to compel Zuma to pay back taxpayers money used for security upgrades in his private resident in Nkandla, KZN Province. Public Protector Thuli Madonsela said in her report that Zuma and his family unduly benefitted and Zuma must pay back the money".*
- *"Two activist groups will be seeking a court application to end a pattern of discrimination in the allocation of resources in the South African Police Services"; and*

- *"COSATU has suggested that management from Lily mine in Barberton, Mpumalanga is withholding key information about cause of the recent collapse. It has been almost 2 months since the lamp container plunged into the hole caused by the collapse".*

International:

- *"Donald Trump has once again managed to anger people on both sides in one of the polarised issues in the Country. During a town hall interview, Trump said that he supports the ban of abortion. He said that if one tries to get one illegally then there has to be some form of punishment. The MSNBC Anchor Chris Mathews asked Trump what kind of punishment will it be, the Republican front runner up said that he was not sure yet" and*
- *"Bad weather today has hampered the search and rescue operations for a wreckage of a Germans' wing plane that crashed into the French Alps yesterday. Rescuers says that it could take weeks to complete the operations. It is assumed that all 150 people who were on Board are killed. Investigations are continuing to try and recover as much data as possible from the flight."*

The Licensee did not fully comply with clause 4.1.2 of its licence.

8.2 LOCAL CONTENT

Clause 4.1.3 of schedule of the licence stipulates that:

"The Licensee shall broadcast South African music content of 45%".

The monitoring exercise revealed that the Licensee plays a significant amount of South African music. The following are some of the South African Artist which were identified:

Danny K – 'Pretty brown eyes'; Juluka – 'Cool crazy'; Zak van Niekerc – 'Ek se Bokkie'; Klipwerf – 'Rugle'; Thenus Jordaan – 'Wie se kind is jy'; Juluka – 'Baba Nango'; Juanita du Plessis – 'vlieg hoog'; Michael W. Smith – 'Sky spills over gospel'; Retief Burger – 'Leeu Van Juda Gospel'; etc.

The Licensee has complied with clause 5.1.3 of its licence.

8.3 LANGUAGE(S) of BROADCAST:

Clause 4.1.4 of schedule of the licence stipulates that:

The Licensee shall broadcast the languages as follows:

- a) 80% English
- b) 10% Afrikaans; and
- c) 10% isiXhosa

The Licensee mentioned during the station visit that they are having a challenge with the broadcast of isiXhosa language due to lack of planning on their side to accommodate the language in the broadcast. The Licensee also mentioned then that the other challenge they face is that there is another isiXhosa station around the area hence they are unable to plan accordingly. The Authority informed the Licensee that they can apply for a licence amendment to remove the language if it is necessary to do so. The Licensee said that they will look into the matter and update the Authority accordingly.

The Authority made a follow-up in this regard and the Licensee mentioned that the station is still unable to accommodate the isiXhosa language in the programming.

The monitoring exercise revealed that only Afrikaans and English are broadcast, the isiXhosa language was not identified.

The Licensee did not fully comply with clause 4.1.4 of its licence.

9. REGULATIONS and LEGISLATION

9.1 Section 52 of the EC Act of 2005

Section 52 of the ECA stipulates that:

"No broadcasting service licence may be granted to any party, movement, organisation, body or alliance which is of a political party nature".

The Board confirmed during the station visit that the station is not involved in politics nor affiliated to any political party.

The Licensee has complied with section 52 of the ECA as stipulated above.

10. STANDARD TERMS AND CONDITIONS

11.1 NOTIFICATIONS OF LICENSEE DETAILS AND INFORMATION

Regulation 3 of the standard terms and conditions stipulates that:

"A Licensee must submit written notice to the Authority within seven (7) days of the occurrence of changes in respect of:

- a) The board of directors of the Licensee*
- b) The name of the Licensee; and*
- c) The shareholders' agreement or similar agreement governing the affairs of the Licensee*

During the station visit, the Licensee confirmed that nothing has changed in the Licensee information.

11.2 BROADCASTING HOURS

Clause 7 of the Regulations stipulates that:

"A Licensee must provide broadcast services for twenty (24) hours per day unless the Authority has approved a shorter schedule of daily broadcast operations".

During the station visit, that the radio station confirmed that it broadcasts for 24 hours.

The Licensee has complied with clause 7 of the Regulations as stipulated above.

11. CODE on PEOPLE with DISABILITIES

Regulation 3.1 (a) of the Code for People with Disability of 2007 stipulates that:

"Broadcasting service Licensees must ensure that their services are made available and accessible to with disability."

During the station visit, the Authority observed that the premises of the station are easily accessible to people that are on a wheel chair. The programming content also does not discriminate against people with disabilities.

The Licensee has complied with clause 3.1 of the Code on People with disabilities.

12. CONCLUSION

The Licensee has complied with most of the licence terms and conditions except for the following clauses:

- Clause 3.2.1 and 3.2.2 – Community: The Licensee did not involve the community in the programming as stipulated in the licence.
- Clause 3.2.3.1 – AGM: The Licensee did not give feedback to the community about the radio stations' compliance with the licence conditions.
- Clause 3.2.3.3 – Board Elections: The Licensee did not mention in the minutes if the Board was elected in terms of the founding documents of the radio station as stipulated in the licence.
- Clause 4.1.2 Minimum broadcast of news over the weekend and less international news broadcast than stipulated in the licence.
- Clause 4.1.4 – Languages: there is no broadcast of isiXhosa language as stipulated in the licence.

The Authority will endeavour to bring the clauses of none-compliance to the attention of the Licensee and assist the Licensee to ensure compliance.

13. APPENDICES

- 13.1 Appendix A: Sound Broadcasting Service and Frequency spectrum licence
- 13.2 Appendix B: AGM minutes and attendance register
- 13.3 Appendix C: Regulations regarding Standard Terms and Conditions for Class Licence
- 13.4 Appendix D: Regulations on South African Music Content