



INANDA COMMUNITY RADIO ANNUAL COMPLIANCE REPORT

MARCH 2020

2018/2019 ANNUAL COMPLIANCE REPORT

INANDA COMMUNITY RADIO

Licence Period: 24 October 2018 to 23 October 2023

1. PREFACE

The Independent Communications Authority of South Africa ("the Authority") has a statutory mandate in terms of the Constitution¹, the ICASA Act², the Electronic Communications Act³ ("ECA") and the Broadcasting Act⁴ 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, relevant legislation and Regulations.

The purpose of this report is intended to give an account of Inanda Community Radio's performance for the 2018/2019 financial year. Aspects of compliance that will be analysed are Geographic Coverage, Community, Programming Obligations, Compliance Procedure Manual Regulations, South African Music Content Regulations and Regulations Regarding Standard Terms and Conditions.

2. BACKGROUND

Inanda Community Radio holds a Class Sound broadcasting service Licence⁵. The radio station's mandate is to provide a sound broadcasting service to the community of Inanda, Ntuzuma and Kwa-Mashu in the eThekweni Metropolitan Municipality in the KwaZulu Natal Province as set out in the Licensee's radio frequency spectrum licence.

3. COMPLIANCE ASSESSMENT

3.1 Control Structure

Clause 1 of the schedule to the licence states that:

"The Licence is issued to:

1.1 Name of Entity: Inanda Community Radio.

1.2 Name of the Station: Inanda Community Radio.

¹ The Constitution of the Republic of South Africa, No 108 of 1996.

² Act No. 13 of 2000, as amended.

³ Act No. 36 of 2005.

⁴ Act No. 4 of 1999.

⁵ Appendix A: Inanda Community Radio broadcasting service licence.

1.3 *Control of the Licensee: Control shall vest in the Board of Directors of Inanda Community Radio".*

There were no changes reported by the Licensee to its control structure during the period under review. The licensee's name remains Inanda Community Radio. The and the control of the Licensee is in the hands of Inanda Community Radio".

The Licensee complies with clause 1 and its sub-clauses of the schedule to its licence.

3.2 Licence Period

Clause 2 of the schedule to the licence states that:

"2.1 The effective date of the Licence is 24 October 2018.

2.2 The Licence shall expire on 23 October 2023."

Inanda Community Radio's service licence was renewed on 24 October 2017.

The Licensee complies with clause 2 of the schedule to its licence.

3.3 Licence Area

Clause 3 of the schedule to the licence stipulates that:

"The Licensee shall provide services to Inanda, Ntuzuma and Kwa-Mashu in the eThekweni Metropolitan Municipality in the KwaZulu-Natal Province as set out in the Licensee's frequency spectrum licence".

The Licensee covers the areas stipulated in its licence.

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

3.4 Community

Sub-clause 4.1 of the schedule to the licence states that:

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

Inanda Community Radio provides sound broadcasting to Inanda, Ntuzuma and Kwa-Mashu in the eThekweni Metropolitan Municipality in KwaZulu Natal Province.

The Licensee complies with sub-clause 4.1 of the schedule to its licence.

Sub-clause 4.2 of the schedule to the licence stipulates 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) general meetings annually with its community on programming and programming-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; and

4.3 The Licensee shall hold Annual General Meetings (AGM) for the following purposes:

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

4.3.2 To provide feedback on the Licensee's operational and financial performance; and

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

During the year under review, the Licensee did not submit any information regarding meetings held with its community regarding programming and programming policies of the station. However, the Licensee held an elective AGM on 09 October 2018 and forwarded the minutes, attendance register and financial statements to the Authority.

The Licensee partially complies with sub-clause 4.2 and of the schedule to the licence.

3.5 Programming

Sub-clause 5.1 of the schedule to the licence states that:

"The Licensee shall provide programming as follows:

5.1.1 Local News and Information: *The Licensee shall broadcast a total of seventy (75) minutes of news per day, of which eighty percent (80%) shall be local news, fifteen percent (15%) shall be national news and five percent (5%) shall be international news.*

The Licensee broadcasts news bulletins from 06h30 to 17h30 with news headlines at 07h30, 10h30, 11h30, 13h30, 14h30, 15h30 and 16h30. The news bulletins are between five (5) and six (6) minutes in duration, while news headlines are twenty (20) seconds in duration. The overall minutes of news is seventy-four (74) minutes and the news headlines add up to one (1) minute and forty (40) seconds.

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

- *"UMayor u Zandile Gumede ukhuthaze izakhamizi ngaphansi kwe Dolobha iTheku ukuthi zifunde ukulima;*

- *Amaphoyisa esifundazweni sakwa Zulu Natal aphenya imbangela yokubulawa kowesifazane ngaphansi kwendawo yasesi Phingo;*
- *Ungqongqoshe wozokuthuthukiswa komnotho wezovakasha nokunakekelwa kwemvelo esifundeni sakwa Zulu Natal umhlonishwa u Sihle Zikalala kanye no ngqongqoshe wezo rwebo nezimboni u Rob Davies basingathe inkomfa equkethe ukuthuthukiswa komnotho nokuyinkomfa eqhubeka e Thekwini eqale izolo; and*
- *Ungqongqoshe obhekelene nokuthuthukiswa kwamabhizinisi ka Hulumeni uMnumzana u Pravin Gordhan usungule izolo umhlandlo mayela nezintlelo eziqukethe ukuthi ngabe ugesi uzogqamuke kanjani njengoba siqala ubusika”.*

The monitoring exercise also determined that isiZulu is the primary language of broadcast, for example, all the news bulletins and headlines are read in isiZulu and English is the secondary language of broadcast.

The Licensee complies with sub-clause 5.1.1 of the schedule to its licence.

Clause 5.1.2 of the licence stipulates that:

“South African Music Content: 60%”.

The Authority’s monitoring exercise confirmed that the Licensee broadcasts between 70 and 75% South African music. Some of the songs that were played during the monitoring exercise are: *Hugh Masekela “Isitimela”, DJ Merlon “ Koze Kuse”, Kabelo Mabalane “ Pantsula for life”, Zola “Mdlwembe” , DJ Thotho “uzongikhumbula”* and many more.

The Licensee complies with sub-clause 5.1.2 of the schedule to its licence.

Clause 5.1.3 of the licence stipulates that:

“Talk vs Music: 60% Talk and 40% Music”.

The monitoring exercise determined that the Licensee complies with the 60% talk and 40% music format. There is a significant amount of engagement between presenters and guests in studio and presenters and listeners through listeners calling in, Facebook messages and voicenotes.

The Licensee complies with sub-clause 5.1.3 of the schedule to its licence.

Clause 5.1.4 of the licence stipulates that:

“Language(s) of broadcast”:

5.1.4.1 isiZulu – 60%; and

5.1.4.2 English – 40%.”

The monitoring exercise also determined that isiZulu is the primary language of broadcast, for example, all the news bulletins and headlines are read in isiZulu and English is the secondary language of broadcast.

The Licensee complies with sub-clause 5.1.4 of the schedule to its licence.

Sub-clause 5.2 of the schedule to the licence stipulates 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 submits a log of programmes broadcast to the Authority on a monthly basis on time as required by sub-clause 5.2.

The Licensee complies with sub-clause 5.2 of the schedule to its licence.

Clause 8 of the schedule to the licence states that:

"PROMISE OF PERFORMANCE"

Clause 8.1 of the licence stipulates that:

"50% of the Licensee's talk content shall be educational, children, youth, and gender specific programmes. This will include informal education such as skills development".

The Licensee broadcasts a youth programme called *"Teen Expression"* on Saturdays and Sundays at 15h00 to 16h00. The Licensee also broadcasts a children's programme called *"Kiddies Corner"* on Saturdays and Sundays at 09h00 to 10h00. Other educational programmes that were identified are *"Business Class"* at 12h00 to 15h00 on weekdays and *"Asilungiseni"* on Sundays at 06h00 to 09h00.

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

4. REGULATIONS

4.1 ICASA Compliance Procedure Manual Regulations, 2011

The Licensee is required, in terms of the ICASA Compliance Procedure Manual Regulations, 2011 as published in *Government Gazette* No. 34863 dated, 15 December 2011 to submit a Form 12A which report on all complaints received during the financial year under review.

For the year under review, the Licensee submitted a complaints report and other submissions as required by the Compliance Procedures Manual Regulations.

The Licensee complies with the ICASA Compliance Procedure Manual Regulations.

4.2 ICASA South African Music Content Regulations, 2016⁶

Schedule 3.3 of the Regulations on ICASA South African Music Content No. 39844 as published on 23 March 2016 provides that:

"A holder of a Community Sound Broadcasting service licence must ensure that after eighteen months (18) from the date 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 performance period".

The Authority's monitoring exercise determined that the Licensee broadcasts between 70 and 75% South African music. See 3.5 (sub-clause 5.1.2) above for further details.

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

4.3 Regulations Regarding Standard Terms and Conditions for Class Broadcasting Licences⁷

During the year under review, the Licensee did not apply to the Authority to change its name, contact details and contact person, physical address and financial year end.

The Licensee complies with the Standard Terms and Conditions for Class Broadcasting Licences.

5. CONCLUSION

Inanda Community Radio Station generally complies with most provisions of its licence conditions and applicable regulations. The Licensee was reminded on 21 February 2020, to submit proof of the two (2) programming meetings that were held with the community. The Licensee responded on 22 February 2020 that they will forward the documents to the Authority. At the time of writing this report the Authority had not received the documents. The Authority will continue to monitor Licensee's compliance during the next financial year.

⁶ Appendix B: ICASA South African Music Content Regulations, 2016 as published in *Government Gazette* No. 39844 dated, 23 March 2016.

⁷ Appendix C: Standard Terms and Conditions for Class Broadcasting & Electronic Communications Network Services, 2010 as published in *Government Gazette* No. 33296 dated, 14 June 2010, as amended

6. TERMS OF REFERENCE

- 6.1** Appendix A: Inanda Community Radio broadcasting service licence;
- 6.2** Appendix B: ICASA South African Music Content Regulations, 2016 as published in *Government Gazette* No. 39844 dated, 23 March 2016;
- 6.3** Appendix C: Standard Terms and Conditions for Class Broadcasting & Electronic Communications Network Services, 2010 as published in *Government Gazette* No. 33296 dated, 14 June 2010, as amended;
- 6.4** Appendix D: ICASA Compliance Procedure Manual Regulations, 2011 as published in *Government Gazette* No. 34863 dated, 15 December 2011.(re: submission of Form 12A: ECN/S and BS Complaints Reporting);
- 6.5** Appendix E: Inanda AGM Register;
- 6.6** Appendix F: Inanda AGM & Financial Statements; and
- 6.7** Appendix G: Inanda Complaints Report