



RADIO KC ANNUAL COMPLIANCE REPORT

MARCH 2021

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2019/2020 ANNUAL COMPLIANCE REPORT

RADIO KC BROADCASTING AS RADIO KC

LICENCE PERIOD: 27 October 2018 to 26 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 Act (ECA)³ and 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 licence, and any relevant legislation and regulations.

The purpose of this report is to give an account of Radio KC performance for the 2019/2020 financial year. Aspects of compliance that are measured comprise of the Geographic Coverage, Community participation, Programming Obligations and Standard Terms and Conditions.

2. BACKGROUND

Radio KC hold a Class Sound broadcasting service licence⁵. The radio station's mandate is to provide sound broadcasting service to the community of Paarl Valley, Wellington, Franshoek and surrounding areas in the Western Cape Province, as set out in the Licensee's radio frequency spectrum licence.⁶

3. COMPLIANCE ASSESMENT

3.1 Control Structure

Clause 1 of the licence states that:

"The Licence is issued to:

1.1 Name of Company/Entity: Radio KC.

¹ The Constitution of the republic of South Africa, No 108 of 1996

² Independent Communications Authority of South Africa Act, Act No. 13 of 2000, as amended

³ Electronic Communications Act No. 36 of 2005

⁴ Broadcasting Act No. 4 of 1999

⁵ Appendix A: Radio KC broadcasting licence

⁶ *Ibid*

1.2 *Name of the Station: Radio KC.*

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

The Licensee is still Radio KC. The name of the Licensee's radio station is Radio KC.

According to Radio KC's MOI, the Board of Directors shall consist of not less than five (5) members with the maximum of eight (8) members. The board members are elected in an Annual General Meeting and shall serve for a period of five (5) years and can be re-elected.

The Licensee did not submit a list of Board of Directors that were elected in its last elective AGM. The monitoring exercise could not confirm the standing Board members of the radio station and the controlling entity of the Licensee.

The Licensee partially comply with clause 1.1 to 1.3 of the licence.

3.2 Licence Period

Clause 2 of the licence states that:

"2.1 The effective date of the licence: 27 October 2018.

2.2 The licence shall expire on: 26 October 2023."

Radio KC's licence is effective from 27 October 2018 to 26 October 2023.

The Licensee complies with clause 2 of the licence.

3.3 Geographic Coverage Area

Clause 3 of the licence stipulates that:

"The Licensee shall provide services to Paarl Valley, Wellington, Franshoek and surrounding areas in the Western Cape Province, as set out in the Licensee's radio frequency spectrum licence."

Radio KC provide services to the areas stipulated in its licence.

The Licensee complies with clause 3 of the licence.

3.4 Community

Clause 4.1 of the licence states that:

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

Radio KC provides a sound broadcasting services to the geographic community residing within the geographic coverage of Paarl Valley, Wellington, Franshoek and surrounding areas in the Western Cape Province, as set out in the Licensee's radio frequency spectrum licence.

The Licensee complies with clause 4.1 of the licence.

Clause 4.2 of the licence provides 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) meetings annually with its community 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; and

During the year under review, the Licensee submitted attendance registers for the two (2) meetings held with the community. On the 8 November 2019 at Gouda Library, Malva Street approximately 19 delegates were in attendance and on the 19 November 2019 at Thusong Center, Paarl East approximately 24 delegates were in attendance. The Licensee did not submit a proof of minutes and agenda of the meeting.

The Licensee partially complies with clause 4.2.1 and 4.2.2 of its sub clauses of the licence.

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 submitted proof of AGM minutes. The minutes did not indicate whether the Licensee provided feedback on compliance issues with licence conditions, however, indicated that feedback was provided on the overall financial performance of the radio station. The new board members were also welcomed during the AGM without following the companies MOI. The Licensee did not elect Board members as per the founding documents of the company.

The Licensee partially complies with clause 4.2.3 and its sub clauses of the licence.

3.5 Programming

Clause 5.1 of the licence states that the Licensee shall provide programming as follows:

5.1.1 "News and information: The Licensee shall broadcast news to a total of thirty (30) minutes per day. This shall include news from the community produced by the station on issues affecting the community.

The Licensee submitted their log-sheet Form 8A, indicating that the radio station broadcasts local news, regional news, national news and international news with a total average of twenty- four (24) minutes per day.

The Licensee submitted recordings online. The online file submitted was corrupt and could not be opened to monitor the content. The log sheet submitted by the Licensee indicates that the Licensee does not meet the required licence obligations.

The licensee does not comply with sub clause 5.1.1 of the licence

5.1.2 South African Music Content: 70%.

5.1.3 Format: 60 Talk and 40% Music.

5.1.3.1 60% of the Licensee's programme content shall be education. This shall include informal educational such as skills development, HIV/AIDS awareness and basic literacy.

5.1.3.2 The Licensee shall work closely with non-government and community organisations on developing programmes and determining the programming needs of the community.

5.1.4 Language(s) of broadcast:

5.1.4.1 Afrikaans – 60%;

5.1.4.2 English – 30%; and

5.1.4.3 isiXhosa – 10%.”

Sixty per cent (60%) talk during the performance period weekly, is equal to four thousand five hundred and thirty-six (4 536) minutes.

The log-sheet submitted by the Licensee indicate that on average six thousand seven hundred and seventy-two (6 772) minutes per week is broadcast by Radio KC.

The online file for recordings submitted was corrupted somewhat and could not be opened to monitor the content.

The licensee did not comply with sub clause 5.1.2 to 5.1.4 of the licence and its sub clauses.

Clause 5.2 of the licence provides 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 the log of programmes broadcast to the Authority as required by clause 5.2.

The licensee complies with clause 5.2 of the licence.

4 REGULATIONS

4.1 Complaints Received

The Licensee is required, in terms of the Compliance Procedure Manual Regulations, to submit a Form 12A which reports on all complaints received during the financial year under review,

For the year under review, the Licensee did not receive any complaints.

The Licensee complies with the Compliance Procedure Manual Regulations

4.2 South African Music Content Regulations⁷

Regulations 3 (3) of the Regulations on South African Music Content as published on 23 March 2016 provides that:

"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%, increased by 10% annually to reach 80% of the musical work in the performance period, consist of South African music and that such South African music is spread evenly throughout the performance period⁸"

According to the Form 8A submitted by the Licensee, on average, it broadcasts 50% of South African Music.

The licensee by its own submission, does not comply with the Regulations

4.3 Regulations Regarding Standard Terms and Conditions for Class Broadcasting Services Licences⁹

During the year under review, the Licensee did not adhere to the Regulations on Standard Terms and Conditions for class licences, as it did not submit all the information required by the Authority to monitor compliance.

Radio KC does not comply with Standard Terms and Conditions for Class Broadcasting Service Licences.

5 CONCLUSION

Radio KC failed to comply with most provisions of its licence conditions and applicable Regulations.

⁷ Appendix B: ICASA South African Music Content Regulations, 2016.

⁸ *Ibid.*

⁹ Appendix C: Standard Terms and Conditions for Class Licences, 2016.

Compliance unit will follow up with the Licensee, to ensure full compliance. However, should the Licensee not comply in full, Radio KC will be advised of the decision to refer them to the Complaints and Compliance Committee (CCC), for a hearing for noncompliance.

6 TERMS OF REFERENCE

6.1 Appendix A: Radio KC broadcasting licence

6.2 Appendix B: ICASA South African Music Content Regulations 2016

6.3 Appendix C: Regulations Regarding Standard Terms and Conditions for Class
Licences 2016

End

March 2021