RISE FM

ANNUAL

COMPLIANCE REPORT

MARCH 2021

2019/2020 ANNUAL COMPLIANCE REPORT

RISE BROADCAST (PTY) LTD BROADCASTING AS RISE FM

Licence Period: 06 November 2018 to 06 November 2028

1. PREFACE

The Independent Communications Authority of South Africa (the Authority) has a statutory mandate in terms of the Constitution[1], the ICASA Act[2], the Electronic Communications Act[3] (ECA) and the Broadcasting Act[4] to regulate broadcasting activities in South Africa in the public interest. Among the responsibilities of the Authority is the task to ensure compliance by broadcasting service Licensees with the terms and conditions of their licence and any relevant legislation and/or regulations.

The report is intended to give a detailed account of Rise FM's performance for the period 2019/2020. Aspects of compliance that are measured comprise of Ownership and Control, Geographic Coverage, Language, Format, Local Content Obligations, General Programming Obligations, Training and Skills Development Obligations, Complaints, South African Music Content Regulations and Regulations on Standard Terms and Conditions for Individual Licences.

2. BACKGROUND

Rise FM was granted a renewed Individual Sound Broadcasting Service licence on 06 November 2018 to broadcast in the Mpumalanga Province. The radio station has an adult contemporary talk and music format which is supplemented by a mixture of urban pop music targeting adults in the LSM 5 to 10 range. According to the Broadcast Research Council of South Africa (BRC), the listenership figures for the last quarter of the period under review was 36 000[5].

3. COMPLIANCE ASSESSMENT

3.1 Licensee Details

Clause 1 of the service licence stipulates that:

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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 https://brcsa.org.za/brc-ram-listenership-report-jan19-dec19/

"The licence is issued to:

a. *Name of Company/Entity: Rise Broadcast (Pty) Ltd*

b. *Shareholders: Tiso Blackstar Group (Pty) Ltd = 100%*

c. *Ownership held by persons from historically disadvantaged groups:*

Times Media Group = 46.22%

On 27 June 2019 Tiso Blackstar Group issued a cautionary announcement to its shareholders informing them of its intention to dispose of certain media assets subject to certain conditions. More details about the proposed sale were provided in a statement on 29 July 2019. On 23 October 2019 the company released another statement regarding the proposed sale in which the shareholders took a vote on the proposed deal. The deal was still not concluded as certain other conditions were not yet finalised. The licensee submits that the deal was not concluded and therefore did not go ahead as initially planned. For the period under review, the Licensee reports that the ownership of Rise FM remains under Tiso Blackstar Group.

The Licensee complies with clause 1 of its licence.

3.2 Geographic Coverage

Clause 2 of the schedule to the licence provides that:
"Mpumalanga Province as defined in the coverage map attached to the Licensee's radio frequency spectrum licence".

The licensee confirms it's broadcasting in Mpumalanga Province utilizing a network of seven transmitter sites across the province. As with the previous reporting period; the licensee reports that it is struggling to reach other areas in its coverage area, including Kwa-Mhlanga and Bushbuckridge, this therefore means the licensee has not made improvements to its coverage challenges.

The Licensee did not comply with clause 2 of the schedule to its licence.

3.3 Broadcast Language/s

Clause 3 of the schedule to the licence stipulates that Rise FM's languages of broadcast are:
"*English – 70%;*

isiSwati - 10%;
isiNdebele - 5%;
isiZulu - 5%;
xiTsonga - 5%; and
Sepedi - 5%".

The monitoring exercise found that the licensee uses English as its primary language of broadcast. There were no shows that make use of other languages as stated on clause 3 above. The licensee has not applied for an amendment to reflect its pivot to English only as its primary language.

The Licensee does not comply with clause 3 of the schedule to its licence.

3.4 Format

Clause 4 of the schedule to the licence provides that:

"The Licensee shall have a programming format of talk and music in an adult contemporary format, which will be supplemented with a mixture of urban and contemporary pop music targeting adults within the LSM 5 to 10".

The license has an adult contemporary format targeting the higher LSMs. The radio station's music selection also a reflection of its targeted audience. It is a mixture of RnB; afro pop and soul music. Artists featured on Rise FM's playlist include *Major; Bucie; Celine Dion; Sade; Donnell Jones; After 7* and similar artists.

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

3.5 Local Content Obligations

Clause 5 of the schedule to the licence provides that:

5.1 "The Licensee shall source and promote music from artists and/or musicians within the province", and

5.2 The Licensee must promote and develop South African music talent by airing music events, regular interviews with musicians and promoting new musicians from the Mpumalanga Province".

The licensee did not provide specific details regarding its compliance with clause 5 above. The monitoring exercise could not establish any events or interviews aimed at promoting new musicians from Mpumalanga.

The Licensee did not comply with clause 5 of the schedule to its licence.

3.6 General Programming Obligations

Clause 6.1 of the schedule to the licence provides that:
"The Licensee shall broadcast Current Affairs between 06h00 and 19h00 during weekdays"

The monitoring exercise found that the licensee has a current affairs programme on weekdays between 18:00 and 19:00.

Clause 6.2 of the schedule to the licence provides that:

"At least 20% of Current Affairs programming must be generated from the coverage area".

During the period under review, the monitoring exercise found that more that 20% of the licensee's current affairs topics are from the Mpumalanga region, confirming that there is no shortage of current affairs material in the coverage area.

The Licensee complies with clauses 6.1 and 6.2 of the schedule to its licence.

Clause 6.3 of the schedule to the licence provides that:

"The Licensee must broadcast:

- *a) forty-four (44) minutes of news (in the form of hourly bulletins between 06h00 and 18h00) each day,*
- *b) as well as ten (10) minutes of sports news each day from Monday to Friday and*
- *c) twelve (12) minutes of news on weekends.*
- *d) The duration of each bulletin will not exceed three (3) minutes."*

The licensee submits that it broadcasts approximately forty-five (45) minutes of news per day. The monitoring exercise found that the radio station broadcasts over forty-four (44) minutes of news on weekdays, which begin between the hours 06h00 – 18h00, these news items include sports reports. The bulletins average three (3) minutes each.

The Licensee complies with clause 6.3 of the schedule to its licence.

Clause 6.4 of the schedule to the licence provides that:

"The Licensee must broadcast 40% of news that has been generated from the coverage area"

The licensee submitted that its news team is made up of young people who, upon joining the radio station, undergo extensive training of now the news must be packaged. The licensee further states that more than 50% of news is locally generated. The monitoring exercise found that, on average, the licensee broadcasts four (4) stories per bulletin, majority of those stories being local stories.

The following are snippets of news broadcasts during the period under review:

- *"The Department of Co-operative Governance and Traditional Affairs in Mpumalanga is concerned about the ongoing violent protests that have brought Barberton to a standstill. Angry residents have, since last Monday, been blocking roads leading into and out of the town. The situation grew even more tense yesterday as schools and businesses remained closed. Residents said they were gatvol of not getting services from the City of Mbombela. The town fell under the Umjindi Municipality until August 2016 when it was disestablished and merged with the Mbombela Municipality to form the City of Mbombela Last Friday, residents disrupted a meeting that was expected to be addressed by Mayor Sibusiso Mathonsi. City of Mbombela spokesman Joseph Ngala said the amalgamation was not about one municipality taking over another. "Amalgamation is a merger of two entities to form a new entity. The matter of people of Umjindi can't be dealt with by the City of Mbombela as we can't disestablish ourselves," Ngala said.*

- *Police in Mpumalanga have made what they call "a major breakthrough" on a gruesome murder case where Wanter Dlamini, aged 62, was allegedly killed by her daughters on Monday 06 January in the Barberton area. According to the police's Leonard Hlathi, Dlamini was allegedly invited by her 30-year-old daughter, Nonhlanhla Mthunywa, for a visit. "Nonhlanhla apparently came with a male friend when she convinced her mom (Dlamini) about the intended visit and she agreed without any hesitation," explains Hlathi. "Unbeknown to her, the said visit was a well-orchestrated plan that would lead to her ultimate death." Hlathi says the available Information indicates that Nonhlanhla organised her 41-year-old friend, as well as two other male friends, and then waited for her mother to arrive. "When she (Dlamini) eventually arrived at*

Nonhlanhla's place, she was allegedly kidnapped, assaulted, senselessly gang raped by the two male friends whilst Nonhlanhla and her friend were holding her," says Hlathi. Dlamini was allegedly strangled to death, her body wrapped in a blanket and then hidden it in an outside toilet.

- *The trial of Linco Believe Makhubela, accused of kidnapping, murder and rape, starts next Monday. The trial is set to take place in the Grangskop High Court. Makhubela was arrested at his hideout in Sabie in June 2018. his is after a probe launched by the police into eight-year-old Nokubonga Nonyane's disappearance. She was last seen playing with her friends in Mahushu near her home on Friday, June 8. Her body was later found dumped in a ditch near Hazyview a few days later. Following the discovery of her body, angry members of the community set the property Makhubela rented alight. According to sources, Makhubela had been planning to escape to the Eastern Cape when he was arrested. He also appeared in the Masoyi Magistrate's Court on charges of attempted murder and rape of a minor in 2018.".*

The Licensee complied with clause 6.4 of the schedule to its licence.

Clause 6.5 of the licence provides that:

"The Licensee shall make use of SAPA for national and international news. The Licensee will also use its own news team and stringers as well as African Eye News service to source local news"

The news agencies, SAPA and AEN, do not exist anymore, the licensee is aware of this and submitted that it makes use of other internet-based news sources.

The Licensee complied with clause 6.5 of the schedule to its licence.

Clause 6.6 of the licence provides that:
"News will be broadcast in English only"

Rise FM's news reports are broadcast in English, save for some interviewees who make use of their own home language, the primary news report is however, done in English.

The Licensee complied with clause 6.6 of schedule to its Licence.

Clause 6.7 of Rise FM's schedule to the licence provides that:
"The source(s) of all news material (other than news sourced from the Licensee) shall be disclosed during the news broadcast"

According to the licensee, the bulk of its news reports is sourced from freelancers spread across the Mpumalanga Province who provide on the ground coverage. The Licensee further states that its national and international stories are usually obtained from its sister company, TMG digital newswire. With regards to disclosure of news sources, the monitoring exercise could not find an incidents where a source other than the Licensee's inhouse sources was disclosed. However, the licensee did provide other news sources that is used to compile news material.

The Licensee complied with clause 6.7 of the schedule to its licence.

3.7 Management, Training and Skills Development

Clause 7.1 stipulates that

"The Licensee shall ensure that 50% of the people employed in its senior management are black, of whom 30% will be black women within a five (5) year period. Furthermore, the Licensee must ensure that it employs historically disadvantaged individuals from Mpumalanga."

Table 1 below illustrates details on the staff compliment at Rise FM.

Table 1: Staff details at Rise FM

Staff category	Local (SA Citizens)							Expatriates	
	African	Indian	Coloured	White	Male	Female	People	Male	Female
Technical	1				1				
Non-technical									
Management	4			4	5	3			
Non-management	24			1	7	18			
Interns	3				1	2			
Total	**32**			**5**	**14**	**23**			

The licensee's submission indicates no changes to the above staff breakdown, as with the previous reporting period.

The Licensee complied with clause 7.1 of the schedule to its licence.

3.8 Ownership and Control Obligations

Clause 8 of the licence stipulates that:

8.1 The Licensee must ensure equitable representation of women on its board and management structures.

The licensee's submission indicates that there is representation on its board with one female on its board of four as well as three females in management.

8.2 Directors of the Licensee shall retain control and responsibility for the running of the station.

The Licensee confirms that the directors exercise control and responsibility in accordance with the clause above.

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

3.9 Developing the on-air Talent of Local Community Sound Broadcasters:

Clause 9 of the licence stipulates that:

9.1 The Licensee shall offer ongoing on the job training support to community sound broadcasters broadcasting within the coverage area by:

9.2 Offering individual on-air presenters of such community sound broadcasting services the opportunity to volunteer as guest presenters on the early morning show of Rise FM; and

9.3 Offering news staffers of such community sound broadcasting services the opportunity of engaging in job-shadowing in Rise FM's news department.

As with the previous reporting period, the licensee once again has failed to demonstrate compliance with clause 9 of its licence. Furthermore, the licensee has not submitted any detailed plans on how to remedy the situation.

The Licensee does not comply with clause 9 of the schedule to its licence.

4 REGULATIONS

4.1. South African Music Content Regulations

Regulation 3(2) of the Regulations on South African Music Content as published on 23 March 2016 provides that:

"*Every holder of a commercial sound broadcasting licence must ensure that after eighteen (18) months from the date of gazetting of these Regulations, a minimum of 35% 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 said period."*

The monitoring exercise found that the Licensee broadcasts 35% of SA Music Content. Local artists featured on Rise FM's line-up include *Mnqobi Yazo; Pure Magic; Kwesta; Blaq Diamond; Sjava; Zahara; Thami; Thabsie; Afrotraction and many more.*

The Licensee complied with the South African Music Content Regulations.

4.2. Regulations regarding Standard Terms and Conditions for Individual Broadcasting Licences

There were no incidents of non-compliance with the Standard Terms and Conditions for Individual Licences Regulations, committed by the licensee during the period under review.

4.3 General Licence Fees Regulations

Regulation 3(1)(a) of the General Licence Fees Regulations provides that:

"The annual Licence fees prescribed in these regulations and as set out in Schedule 2 apply to holders of Individual and Class ECS Licences, Individual and Class ECNS Licences and Individual Commercial BS Licences".

Schedule 2 under Annual Licences Fees provides that:

"Individual Commercial Broadcasting Service Licensees to pay an annual licence fee of 1.5% of gross profit to the Authority".

Schedule 3(4)(b) and (c) provides that:

"(b) in respect of payment, such are due and payable within 6 months from the end of the Licensee's financial year;

(c) may only be paid by way of an electronic transfer or via direct deposit into the Authority's bank account"

Rise FM paid their annual licence fees in accordance with the applicable regulations.

The Licensee complies with the General Licence Fees Regulations.

4.4 Universal Service and Access Fund (USAF) Regulations

Regulation 3 (1) of the prescribed annual contribution of licences to USAF regulations published on 10 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".

Regulation 3 (2) stipulates that:

"A BS Licensee who has paid an annual contribution to the 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 for the same financial year".

The Licensee submitted confirmation of its annual payment contribution to the MDDA. The submission was made within the regulated timeframes.

The Licensee complies with the USAF regulations.

5. COMPLAINTS

For the period under review, there were no complaints against Rise FM or any escalated to the Authority or an industry representative body.

6. CONCLUSION

Rise FM was found to be in contravention of clause 9 of its licence. Compliance will engage the licensee on this matter accordingly. The Licensee has generally complied with the terms and conditions of its licence and in instances where there was non-compliance, the Authority will raise the areas concerned, with Rise FM, so they may attend to all of that. However, where the Licensee may not address and resolve the areas of non-compliance, Rise FM will be referred to the Complaints and Compliance Committee (CCC), for a hearing.

7. TERMS OF REFERENCE

7.1 Attachment A : Rise FM's Broadcasting Service Licence

7.2 Attachment B : Rise FM's Frequency Spectrum Licence

7.3 Attachment C : Rise FM Compliance Submission

7.4 Attachment D : The Licensee's Music Report

7.5 Attachment E : Standard Terms and Conditions Regulations (individual)

7.6 Attachment F : Universal Service and Access Fund Regulations

7.7 Attachment G : General Licence Fees Regulations

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