



ALEX FM ANNUAL COMPLIANCE REPORT

MARCH 2017

2015/2016 ANNUAL COMPLIANCE REPORT

ALEX FM 89.1 MHz

LICENCE PERIOD: 10 OCTOBER 2013 – 10 OCTOBER 2018

PREFACE

The Independent Communications Authority of South Africa (the Authority) has a statutory mandate in terms of the Constitution, the ICASA Act and the Electronic Communications Act (ECA) 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 ICASA Act, the ECA, the terms and conditions of their licence, any relevant legislation and regulations.

The purpose of the report is to give an account of Alex FM's performance for the 2015/2016 financial year. Aspects of compliance that are measured comprise of the Geographic Coverage, Community Participation, Format, News and Information, Local Content, Language(s), Broadcast hours, South African Music Content Regulations and Regulations regarding Standard Terms and Conditions for Class Licences.

2. BACKGROUND

Alex FM is a geographic founded community radio station that is based in Alexandra Township. Its format is 70% talk and 30% music.

3. COMPLIANCE ASSESSMENT

Clause 1 of schedule of the licence stipulates that:

"The Licence is issued to:

1.1 Name of Entity: Alexandra Community Broadcasting Trust.

1.2 Name of the Station: Alex FM

1.3 Control of the Licensee: Control shall vest in the Board of Trustees of a Trust known as Alexandra Community Broadcasting Trust.

During the period under review there were no changes reported by the Licensee. The name of the radio station is Alex FM as stipulated in the licence, which was also verified in perusing the programme recordings. And the radio station is still controlled by Alexandra Community Broadcasting Trust.

The Licensee has complied with clause 1 of the schedule of its licence.

3. COMMUNITY

Clause 4 of the schedule of the licence stipulates that:

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

The Licensee confirmed that it provides a service to a geographic community as stipulated above. That was also confirmed in the perusal of programmes recording submitted to the Authority. The geographic areas in which the radio station broadcast to are mentioned in the radio programme recordings.

The Licensee has complied with clause 4.1 of the schedule of its licence.

Clause 4.2 of the schedule of 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 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".

The Licensee has a "Listeners' Forum" which meets twice a year to discuss programming as stipulated in the licence. The last meeting held with the community

was on 11 June 2016 and the one prior to that, was on February 2016 in which they were re-launching the "Listeners Forum" to look into programme related matters.

Amongst the programming suggestions that came forth on the 11 June 2016 was prioritising local content. In other words, having programmes that will strictly broadcast local music and ensure that all the programmes adhere to ICASA requirement of 70% talk and 30% music. Other suggestions were that hours of broadcast must be increased on some of the programmes. The meeting also came up with a theme called "People's programming" which was meant to take into cognisance the views of the listeners on programming.

The Licensee has duly submitted the minutes and attendance register of the meeting¹.

The Licensee has complied with clauses 4.2.1 and 4.2.2 of the schedule of its licence.

Clause 4.2.3 of the schedule of the licence provides as follows:

"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 last AGM of the radio station was held on 02 May 2015 and it was an elective AGM. Ten Board members were elected in accordance with the radio stations' founding documents. The Licensee provided feedback at the AGM on the stations' challenges as well the financials of the radio station. The Licensee did not give feedback on compliance on the licence conditions. This was verified through the perusal of the AGM minutes that the Licensee submitted to the Authority.

¹ Minutes of Community Participation Minutes and attendance register

The Licensee did not fully comply with Clause 4.2.3.1 of the schedule of its licence.

4. PROGRAMMING

Clause 5.1 stipulates that the Licensee shall provide programming as follows:

5.1.1 News and Information

"The Licensee shall broadcast a total of six (6) news bulletins per day, of which 50% shall be local news, 30% national and 20% international news. News shall be broadcast in English, Setswana, Sepedi, isiZulu and Xitsonga."

The Licensee broadcasts 9 news bulletins on weekdays from 07h00 to 18h00. The news are 3 to 5 minutes in duration. On weekends the Licensee broadcasts 5 news bulletins. The monitoring exercise revealed that the radio station broadcasts mostly national and provincial news. Approximately, 25% of local news was identified during the period under review.

The Licensee is fully aware of the obligation on news, they were made aware of matter many times during the station visits on compliance matters.

Below are some of the news that were identified:

- *"A former security guard who spent a year on the run for alleged attempted murder was arrested and is set to appear in Alexandra Court soon. He was remanded in custody pending investigations. It is said that the man acted aggressively at his employment in Wynberg and fought with his colleague which he hurt badly. He fled the scene since then until he was arrested. The man was apparently traced to his KZN hometown and that is where he was arrested."*
- *"It is reported that Car guards in Balfour Mall are struggling to make ends meet because of the daily R70 that they must give to the Centre Management. It would appear like they are forced to pay that money. One of the Car guards who requested to remain anonymous said that they are chased away by the Centre management if they do not pay that money and that is a serious*

challenge for them as not all motorist gives them money. The Centre management was not available for comment.”;

- *“The National Prosecuting Authority, the NPA has reported that they have arrested a 33 year old man today who pretended to be an NPA official. The man, Hanganzi Mulaudzi approached Paralympian Oscar Pretorius and told him that he can assist him in making the docket of his murder case disappear. The man told Oscar to give him R250 000 to make the case disappear. The Paralympian got suspicious and alerted the NPA and the NPA made plans to have the man arrested. The man was arrested after he accepted a R40 000 deposit from an undercover operation.” ;*
- *“It is reported that the GUPTA family involvement in politics has caused a split in the African National Congress, the ANC. The ANC Youth League are calling for the recall of President Zuma from office. ANC Youth League President said that the ANC need to stand up and put pressure on President Zuma because he is the one that gives the GUPTA family the key to run amok as is the case now. He said if members of the ANC continue to keep quiet then Zuma and the NEC will continue to hide behind membership. He further said that the ANC members must stand together and isolate the individual and tell him that these things cannot continue under the ANC name.”; and*
- *“The terrorist attacks that killed 34 people and injured 117 people has made the community of Brussels very unstable. The suicide bombers entered the airport and railway station of Brussels, this act has destabilised the city of Brussels. It was reported that a night vigil was held yesterday to mourn those that has died. One of the residents said that the past months has been real dreading because they are afraid that another attack might come up.”*

The Licensee did not fully comply with clause 5.1.1 of the schedule of its licence.

Clause 5.1.2 of schedule of the licence stipulates that:

"The Licensee shall broadcast 70% South African music content".

The Authority confirms that the radio station plays an average of 75% of South African music content which exceeds the 70% quota.

Some of the South African music that were identified are the following:

Mafikizolo – 'Happiness'; Mandoza – 'Nkalakatha'; Senyaka – 'Fever'; Thandiswa Mazwai – 'Nizalwa ngobani'; Sipho Mabuse – 'Burn up'; Lira – 'Mali'; Jabu Khanyile – 'Malo we'; Brenda Fassie – 'Weekend special'; Mercy Phakela – 'Ayashisa amateki'; Judith Sephuma – 'Smile, cry and dance'; Ringo Madlingozi – 'Baleka'; Caiphus Semenya – 'Mmematswale'.

The Licensee has complied with clause 5.1.2 of schedule of its licence.

Clause 5.1.3 of the licence stipulates that programming must be:

"Talk vs Music: 70% talk and 30% music".

The monitoring exercise revealed that the radio station does broadcast talk and music on its programmes as it is stipulated. This was also verified in the programme log sheets that were submitted.

The Licensee has complied with clause 5.1.3 of the schedule of its licence.

Clause 5.1.4 of schedule of the licence stipulates that languages of broadcast for Alex FM are as follows:

5.1.3.1 isiZulu - 20%

5.1.3.2 isiXhosa – 15%

5.1.3.3 English – 15%

5.1.3.4 Sepedi – 15%

5.1.3.5 Setswana – 10%

5.1.3.6 *Xitsonga – 10%*

5.1.3.7 *Sesotho – 8%*

5.1.3.8 *Tshivenda – 5%; and*

5.1.3.9 *Other languages – 2%*

The Licensee complies with the percentage of the languages stipulated in the licence these percentages were confirmed during the Authority's monitoring exercise. The different languages were also identified during the news, current affairs, jingles and adverts.

The Licensee has complied with clause 5.1.4 of the schedule of its licence.

Clause 5.2 of the schedule of 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 was not consistent in submitting the monthly log sheets as required. The log sheets must be submitted monthly to the Authority for monitoring amongst others, the minutes of talk shows, news and South African (SA) music content. However, the Authority notes that the Licensee was not consistent in submitting the log sheets monthly as required

The Licensee did not fully comply with clause 5.2 of its licence.

5. CONTACT DETAILS

According to clause 6.1 of the schedule to the licence *the contact person for the Licensee shall be:*

6.1.1 Name: *Trinity Mohlamme*

6.1.2 Tel: *011 346 2164/011 071 0855*

6.1.3 Fax: *088 011 346 2165*

6.1.4 Cell: 079 5982 087

6.1.5 Email: alexfm@telkomsa.net/trinity@alexfm.co.za

The Authority confirms that the information above is no longer valid, the contact person mentioned has since left the radio station in 2014 already. And the mobile contact numbers are his personal numbers. The landline number 011 071 0855 mentioned above is also not working, the feedback received when calling was that "you have reached an invalid number". And the number 011 346 2164 is forever engaged.

Regulation 2 (1) (d) 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 the changes in its licence:

The Authority has inducted the Licensee on compliance matters many times, the Licensee is fully aware of its obligations.

The Licensee did not comply with clause 6.1 of the schedule of its licence as well as Regulation 2 (1) (d) of the Standard Terms and Conditions Regulations.

6. NOTICES AND ADDRESSES

Clause 7 of the schedule of the licence provides as follows:

7.1.1 Postal Address: P.O. Box 39108

BRAMLEY

2018

7.1.2 Physical Address: 69-2nd Avenue

Alexandra Township

2018

The Postal Address has not changed but the physical address has changed and the Authority was not notified as per clause 2 (1) d of the Standard Terms and Conditions.

The Licensee did not comply with clause 7 of the schedule of its licence.

7. PROMISES OF PERFORMANCE

Clause 8.1 of the schedule of the licence provides that:

"The Licensee shall broadcast programming relating to youth, women, disability, HIV/AIDS, health and education."

Further, Clause 8.2 stipulates that:

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

Of all the categories mentioned below, the Authority identified a topic on education and HIV/AIDS and gender. The topic that was identified as include all gender was about friendship, how you know if you have a good friend and how to keep good friends. They were also talking about good morals of greeting and be able to say thank you which they say is a challenge for many people.

There was no programming on women, disability, health and youth identified during the period under review.

The Licensee did not fully comply with clause 8 of the schedule of its licence.

8. REGULATIONS

8.1 Standard Terms and Conditions for Class Broadcasting Licences

Regulation 6 (1) of the Standard Terms and Conditions stipulates that:

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

The Licensee submitted that it does broadcast for 24 hours as stipulated in the Standard Terms and Conditions. The Authority confirms that the radio station is broadcasting for 24 hours, this was verified during the perusal of the programming recordings.

The Licensee has complied with clause 6 (1) of the Standard Terms and Conditions Regulations.

9. CONCLUSION

The Licensee has for the period under review not complied with most of the licence conditions as stipulated. The following are the clauses that the Licensee did not comply with:

- Clause 5.1.1 – News and Information Obligations
- Clause 6 and 7 respectively – Contact Details and Notices and Addresses
- Clause 8.1 – Programming relating to Youth, Health, Education, Women and Disability
- Clause 8.2 – 50% talk content on Children, Gender, Tourism, Environmental, Skills Development and Youth

The Authority shall bring these non-compliance matters to the Licensee's attention and assist the Licensee to ensure full compliance with the licence terms and conditions.

10. TERMS OF REFERENCE

APPENDIX A: Sound broadcasting service and spectrum licence

APPENDIX B: Minutes of AGM and attendance register

APPENDIX C: Minutes of Community participation meeting and attendance register