



# **METRO FM ANNUAL COMPLIANCE REPORT**

**MARCH 2024**

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## **2022/23 ANNUAL REPORT**

### **SOUTH AFRICAN BROADCASTING CORPORATION ("SABC") BROADCASTING AS METRO FM**

**Licence Period: 18 December 2018 - 17 December 2028**

#### **1. PREFACE**

The Independent Communications Authority of South Africa ("Authority") has a statutory mandate in terms of the Constitution, the Independent Communications Authority of South Africa Act<sup>1</sup> (ICASA Act), the Electronic Communications Act<sup>2</sup> (ECA) and the Broadcasting Act<sup>3</sup> 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 purpose of the report is to give an account of Metro FM's compliance with the terms and conditions as set out in its licence for the 2022/2023 financial year. Aspects of compliance that are measured comprise Format, Local Content Obligations, General Programming Obligations and Training and Skills Development.

Further, the report will measure compliance with Regulations that include South African Music Content, Standard Terms and Conditions for Individual Licensees, Universal Service and Access Fund, General Licence Fee and the Code of Conduct for Broadcasters.

#### **2. BACKGROUND**

Metro FM holds an Individual Broadcast Service Licensee of the South African Broadcasting Corporation ("SABC"). The licensee's language of broadcast is English. The radio station's mandate is to provide a full radio spectrum service to the urban areas of all nine provinces of South Africa.

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<sup>1</sup> Act No. 13 of 2000, as amended

<sup>2</sup> Act No. 36 of 2005, as amended

<sup>3</sup> Act No. 4 of 1999, as amended

### **3. COMPLIANCE ASSESSMENT**

#### **3.1. Ownership and Control**

Clause 1.1 of the licence stipulates as follows:

*"Name of the Company/Entity: The South African Broadcasting Corporation".*

Clause 1.2 of the licence stipulates that the shareholders are as follows:

*"Shareholders: The State: 100%"*

Clause 1.3 of the licence stipulates that:

*"Ownership held by persons from historically disadvantaged groups: NA".*

Metro FM forms part of the public service of the South African Broadcasting Corporation which is 100% owned by the state.

**The Licensee complies with the above clauses.**

#### **3.2. Geographic Coverage**

Clause 2 of the schedule to Metro FM's licence prescribes that:

*"The coverage area is as defined in the map attached to the radio frequency spectrum licence".*

According to the frequency spectrum licence, the radio station's coverage areas are: Gauteng, Mpumalanga, North-West, Northern Cape, Free State, Eastern Cape, Western Cape, KwaZulu-Natal and Limpopo.<sup>4</sup> The Licensee has confirmed that its footprint has not changed.

**The Licensee complies with clause 2 of its licence.**

#### **3.3. Language(s)**

Clause 3 of the schedule to the licence stipulates for Metro FM to broadcast in:

*"Principal Language is English".*

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<sup>4</sup> *Ibid*

The Authority's monitoring confirmed that the Licensee's language of broadcast is English.

**The Licensee complies with clause 3 of its licence.**

**3.4. Format**

Clause 4.1 of the schedule to the licence provides that:

*"The service authorised by the licence forms part of the public service division of the Licensee".*

Clause 4.2 stipulates that:

*"The licensed service shall be a sound broadcasting service in an urban contemporary format".*

Metro FM is a commercial radio station of the SABC and offers its audience as outlined in the licence.

**The Licensee complies with clauses 4.1 and 4.2 of the schedule to its licence.**

**3.5. General programming obligations**

**3.5.1 General**

Clause 6.1.1 of the schedule to Metro FM's licence stipulates:

*"The Licensee shall ensure that its programming adequately reflects the diversity of South Africa's Religion".*

The Licensee's editorial policy provides that:

*"Religious programmes should take account of the regional factors, target audiences, language and cultural preferences, and the devotional needs of specific groups".*

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The Licensee broadcasts a drive time programme called "The Touchdown" with a religious segment known as *Replenish Thursdays* on Thursdays between 15h00

and 18h00. The show features inspirational talks by studio guests from various churches, as well as gospel music and inspirational music both local and international.

The Licensee also broadcasts a religious programme called "Sacred Space" with Thami Ngubeni on Sunday mornings between 06h00 and 09h00. The show also invites listeners to call and share their stories, challenges and how they use the power of prayer to overcome challenges in their personal lives.

**The Licensee complies with clause 6.1.1 of its licence.**

Clause 6.1.3 of the schedule to Metro FM's licence reads that:

*"The Licensee shall during the performance period, provide programme material that caters and has due regard for the interests of all sectors of South African society and shall provide programming on health-related issues, gender issues relevant to all age groups".*

"The Bridge" is a variety show, from 09h00 until 12h00 on weekdays (Monday until Friday). The show covers a wide range of topical issues such as lifestyle, health-related issues, financial education as well as career and personal wellness among others. The programme allows for phone participation by listeners.

There is "Metro FM Talk with Ayabonga Cawe" is a current affairs show broadcast from 19h30 until 21h00 on Mondays and Thursdays. The show covers a wide range of topical issues such as nation-building, Social Cohesion, rural development along with contemporary content around the African Continent. The programme allows for phone in's participation by listeners.

**The Licensee complies with clause 6.1.3 of the schedule to its licence.**

**3.5.2 News and Current Affairs**

Clause 6.2.1 of the schedule to Metro FM's licence stipulates:

*"The Licensee shall broadcast at least 30 minutes of News per day during the South African Performance Period".*

The monitoring exercise conducted for the period under review revealed that Metro FM broadcasts news bulletins every hour on the hour and headlines every half hour daily, mornings as well as afternoons. The duration of the news bulletins is between three (3) and five (5) minutes. This adds up to a total exceeding 30 minutes each day of news during the South African performance period.

Among the news stories covered were excerpts from several newscasts, as follows:

- *"The City of Tshwane is hunting for a new mayor following the disqualification of Murunwa Makwarela on Tuesday morning. Makwarela, who was elected in the position last week, was disqualified as a PR councillor for Cope, which affected his mayoral position after being accused of dishonesty.*
- *New faces are expected to feature in President Cyril Ramaphosa's soon-to-be-announced new members cabinet this evening. ANC Deputy President Paul Mashatile is likely to be announced as the country's second-in-command, with Sihle Zikalala and ANC deputy Secretary-General, Maropene Ramokgopa, set to make it to cabinet as ministers as well. ..."; and*
- *Newly appointed minister new of electricity has hit the ground, not running at Eskom. Dr. Kgosientsho Ramokgopa has completed his second day of visits to Eskom's 14 power stations across the Republic....".*

**The Licensee complies with clauses 6.2.1 of the schedule to its licence.**

Clause 6.2.2 of the schedule to Metro FM's licence stipulates:

*"The Licensee shall in the production of its news and current affairs programming:*

- Exercise full editorial control in respect of the contents of such programming;*
- Include matters of national, regional, international and where appropriate, local significance;*
- Meet the highest standards of journalistic professionalism'*
- Provide fair, unbiased, impartial and balanced coverage independent from Governmental, commercial or other interference; and*
- Provide a reasonable opportunity for the public to receive a variety of points of view on matters of public concern".*

The Licensee's editorial policies indicate that the Licensee exercises full editorial control in respect of the contents of its programming. The editorial policies further

indicate that the Licensee endeavours to meet the highest standards of journalistic professionalism. Furthermore, it provides fair, unbiased and impartial coverage independent from government, commercial or other interference.

During the period under review, the monitoring exercise revealed that Metro FM broadcasts matters of regional, national and international significance.

### **The Licensee complies with clause 6.2.2 of the schedule to its licence.**

## **3.6 Training and Skills Development Obligations**

Clause 7 of the schedule to the Metro FM's licence stipulates that:

- 7.1 *"The Licensee must adopt and implement equal opportunity employment Practice.*
- 7.2 *The Licensee must ensure that its management and staff are representative of South African society and that its human resource policies take into account the development of managerial, production, technical and other skills and expertise, particularly with regard to the historically disadvantaged persons.*
- 7.3 *The Licensee shall endeavour to achieve fair and reasonable participation by historically disadvantaged persons with respect to:*
  - (a) *its management and control structures*
  - (b) *skills development*
  - (c) *enterprise development; and*
  - (d) *procurement*

The SABC's Employment Equity and Transformation report for the year ended February 2023 outlines the licensee's efforts to comply with clause 8 and the subclauses. The Licensee continues to maximise its employment of people from historically disadvantaged backgrounds. In the year that ended February 2023, the SABC absorbed, into its workforce, one hundred and twenty six (126) interns out of one hundred and sixty-three (163) that completed the 2022/2023 internship programme with the Licensee.

Women continue to get into high positions within the Licensee and people from previously disadvantaged groups make up the majority at the executive level.

The Licensee's five-year target is to have at least 51.7% women making up the entire workforce by September 2025. The SABC has already reached the 2025

target; currently, women make up 52% of the Licensee's employees and they are represented at all occupational levels. The SABC's Employment Equity report shows that the Licensee's employment practices strive to promote a fair and equitable representation of race and gender at all levels.

**Table 1: SABC's 2025 Employment Equity Targets (Control/Management Echelon) against 2023 Actuals**

Employment Category	September 2025 Target	February 2023 Actual
Black Board of Directors with Voting Rights	50%	85.72%
Female Board of Directors with Voting Rights	25%	33%
Black Executive Directors (GCEO, COO, CFO)	50%	66.67%
Black Female Executive Directors (GCEO, COO, CFO)	25%	0%
Black Executive Managers / Senior Management	60%	88 %
Black Female Executive Managers/Senior Management	30%	32%
Black Middle Management	75%	83%
Black Female Middle Management	38%	42%
Black Junior Managers	88%	93%
Black Female Junior Managers	44%	49%
Black People with Disabilities	2%	2%

Towards its obligation as laid out in clause 8.3 (b) and its Workplace Skills Plan, the SABC delivered one thousand three hundred and sixty-eight (1368) training interventions in the past reporting year. Eight hundred and seventy-six (876)



employees took part in the training interventions and 96.5% of the participants were persons from historically disadvantaged groups.

The SABC's reports on employment equity and skills development were received within the time frame specified in the License, thus complying with clause 8.4.

**The Licensee complies with the entirety of clause 7 of the Schedule of its Licence.**

### **3.8 Provisions of Audited Financial Statements**

Clause 8 of the schedule to Metro FM's licence stipulates that:

*"The Licensee shall provide the Authority with the audited annual financial statements of the licensed service within four (4) months of the end of the licensee's financial year, provided that the licensee may on good ground shown apply to the Authority for extension".*

The Licensee submitted its audited annual financial statements to the Authority within the prescribed time for the 2022/23 financial year.

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

## **4. REGULATIONS**

### **4.1. South African Content Music Regulations<sup>5</sup>**

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 Licensee submitted that, for the period under review, it has played an average of 65% of South African music.

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<sup>5</sup> Appendix G: ICASA South African Music Content Regulations, 2016 as published in *Government Gazette* No. 39844 dated, 23 March 2016

According to the recordings monitored, Metro FM played approximately 65% South African Music content during the period under review.

The radio station plays a wide variety of music genres from Maskandi, Amapiano, Kwaito, Jazz, Afro-Pop, House, RnB, Rock, Gospel and cultural music. The local music played by the radio station includes among others: Samthing Soweto, Skwatta Kamp, Vusi Nova, Dumi Mkokstad, Lady Du and Sankomota.

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

#### **4.2. Standard Terms and Conditions**

During the year under review, the Authority did not identify any non-compliance by the Licensee with the standard terms and conditions for individual Licensees.

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

#### **4.3. Universal Service and Access Fund Regulations <sup>6</sup>**

Regulation 3 of the USAF Regulations stipulates that:

- (1) *"Every holder of a licence granted in terms of Chapters 3, 4 and/or 9 or converted in terms of Chapter 15 of the Act, must pay an annual contribution of 0.2% of its Annual Turnover to the Fund".*
- (2) *"A Broadcasting Service 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 made the prescribed payment directly to the MDDA on 31 October 2023 and has accordingly submitted proof thereof to the Authority.

**The Licensee has complied with the USAF Regulations.**

#### **4.5. Compliance Procedure Manual – Form 12A**

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<sup>6</sup> Appendix H: General Licence Fees Regulations, 2012 as published in *Government Gazette* No. 36323 dated, 28 March 2013, as amended

The Licensee is required, in terms of the Compliance Procedure Manual Regulations, to submit a Form 12A<sup>7</sup> which reports on all complaints received in each financial year. In April 2023, the SABC submitted its complaints report in accordance with Compliance Procedure Manual Regulations.

The Licensee is a member of the National Association of Broadcasters ("NAB") and complaints in relation to the Code of Conduct by Broadcasters are administered by the Broadcasting Complaints Commission of South Africa ("BCCSA").

**The Licensee complies with the Compliance Procedure Manual Regulations.**

## **5. CONCLUSION**

The Licensee has fully complied with its licence terms and conditions, for the period under review.

## **6. TERMS OF REFERENCE**

Annexure A: Metro FM's Service and Spectrum Licences;

Annexure B: Training & Skills Development Report;

Annexure C: Regulations on Standard Terms and Conditions for Individual Broadcasting & Individual Electronic Communications Services, 2010 as published in *Government Gazette* No. 33294 dated, 14 June 2010, as amended;

Annexure D : USAF Regulations 2011, published in *Government Gazette* No. 34010 dated, 10 February 2011;

Annexure E : Processes and Procedures Regulations for Individual licences published in *Government Gazette* No. 33293 dated, 14 June 2010, as amended;

Annexure F : ICASA South African Music Content Regulations, 2016 as published in *Government Gazette* No.39844 dated, 23 March 2016; and

Annexure G : Proof of SABC's Contribution to USAF.

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<sup>7</sup> Appendix E: ICASA Compliance Procedure Manual Regulations, 2011 as published in *Government Gazette* No. 34863 dated, 15 December 2011. (Form 12A: ECN/S and BS Complaints Reporting)