



**WORCESTER 92.6 FM**

**ANNUAL**

**COMPLIANCE REPORT**

**MARCH 2024**

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# 2022/23 ANNUAL COMPLIANCE REPORT

## INDIGENOUS BROADCASTING AND ENTERTAINMENT (PTY) LTD

### BROADCASTING AS WORCESTER FM 92.6

**Licence Period: 24 February 2020 – 23 February 2025**

#### **1. PREFACE**

The Independent Communications Authority of South Africa (“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. Among the responsibilities of the Authority is the task to ensure compliance by broadcasters with the terms and conditions of their licence, the Electronic Communications Act (“ECA”), the ICASA Act and any relevant legislation or Regulations.

The purpose of the report is to give an account of the compliance status of Worcester 92.6 FM, a commercial Low Power Licensee’s compliance with the terms and conditions, as set out in its license, for the financial year that ended March 2023. In addition, this report will measure the Licensee’s compliance with all applicable Regulations for the year under review.

#### **2. BACKGROUND**

Worcester 92.6 FM was first licensed in 2015 and granted its renewal in February 2020. What started with a dream to have a local radio station for the sole purpose of promoting tourism and local music, soon realised its purpose in this low-power radio station. Worcester FM broadcasts from Mountain Mill Mall in Worcester, one hundred and twenty (120) kilometres Northeast of Cape Town.

#### **3. COMPLIANCE ASSESSMENT**

##### **3.1 Licensee**

Clause 1 of Worcester 92.6 FM service licence<sup>1</sup> provides that:

*“The Licence is issued to:*

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<sup>1</sup> Worcester FM Broadcasting Service License

- 1.1 *Name of Entity: Indigenous Broadcasting and Entertainment (Pty) Ltd*
- 1.2 *Name of the Station: Worcester 92.6 FM*
- 1.3 *Control of the Licensee: Control shall vest in the Board of Directors of a Private Company known as Indigenous Broadcasting and Entertainment (Pty) Ltd."*

The Authority received no submission indicating changes to the Licensee's controlling structure and company name in the year under review.

**The Licensee complies with clauses 1.1, 1.2 and 1.3 of its licence.**

### **3.2 Licence Period**

Clause 2.1 of Worcester 92.6 FM's Service Licence mentions that the "*Licence is valid for a period of five (5) years from the signature date.*" Worcester 92.6 FM Broadcasting Licence was signed on the 24<sup>th</sup> day of February 2020 and it will expire on, 23 February 2025. The Licensee was reminded already, of the eminent renewal of its licence.

### **3.3 Licence Area**

Clause 3 of the licence prescribes as follows:

*"The Licensee shall provide a commercial low power broadcasting service to Mount Mill Mall, Worcester in the Western Cape Province as set out in the Licensee's radio frequency spectrum licence."*

The Licensee's coverage area remains as prescribed in the licence terms and conditions. Further, the Authority did not receive any reports or complaints indicating that the Licensee has gone beyond its licenced area. The Authority's Cape Town Region will, soon, be conducting spillage tests to determine Worcester 92.6 FM's coverage footprint.

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

### **3.4 Programming**

Clause 4.1 of the licence provides as follows:

*"The Licensee shall provide programming as follows:*

#### **4.1.1 South African Music Content: 40%**

The obligation carried by this clause is from the ICASA South African Music Content Regulations of 2016. Therefore, the full details and findings regarding the Licensee's South African music content output, are discussed further, below.

#### **4.1.2 Format: 20% talk and 80% music**

It is important to note that the monitored programme recordings had missing information as sometimes only dead air would be on the recording. Considering that the recordings had missing information, the Authority's monitoring exercise tried to sample any 9 hours of back-to-back programming, in portions of three hours each.

The monitoring exercise found very little talk on Worcester 92.6 FM. It became clear through the monitoring exercise that the Licensee's format is a "*more music less talk*" format. The talk content found during monitoring spoke to tourism events within the area, promoting local music and any other tourist attraction events taking place in Worcester and its surroundings.

Music dominates the Licensee's programming profile. The Licensee's programming profile is characterised by "*triple play and back-to-back triple play*" music offerings, which leaves little to no time at all for talk.

**The Licensee complies with clause 4.1.2 of the licence.**

#### **4.1.3 Language(s) of broadcast: Afrikaans 80% and English 20%**

"Worcester 89.2 FM *die beste uit die 80s, 90 en nou*" is the Licensee's tag line and it sums up what the Licensee stands for. Worcester 89.2 FM is a proudly Afrikaans music station with some English used on a decent enough scale. The bulk of the Licensee's programming profile is in Afrikaans and interaction with the listeners is mostly in Afrikaans. What is more commendable about the Licensee's efforts is its dedication to preserving and promoting Afrikaans music.

**The Licensee complied with clause 4.1.3 of its Licence.**

Clause 4.2 of Worcester 92.6 FM's service licence provides that:

*"The Licensee shall keep a log of programmes broadcast which must be submitted on a monthly basis to the Authority. A proforma of the log to be kept will be supplied by the Authority."*

Worcester FM did not attend the workshop held with Commercial Low Power Licensees during the 2022/2023 financial year on the Compliance Procedure Manual which contains the "proforma of the log to be kept". The Licensee will receive the necessary training on the "proforma of the log to be kept", so they adhere to submission thereof, on a monthly basis.

#### **4. REGULATIONS**

##### **4.1 ICASA South African Music Content Regulations**

Regulation 3 of the ICASA South African Music Content Regulations 2016<sup>2</sup> stipulates that:

*"A holder of a community sound broadcasting service licence must ensure that after eighteen (18) months from the date of gazetting of this regulation, 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 evenly throughout the performance period."*

Worcester 92.6 FM is a music radio station with music making up the bulk of the Licensee's programming profile. Efforts to exceed the licensed South African Music quota are evident in that the Authority found just over 55% South African Music during monitoring.

The Licensee's efforts in promoting and preserving Afrikaans music are commendable. The likes of Steve Hofmeyer, Kurt Darren, Bok van Blek and some Afrikaans music groups were identified as enjoying airplay at Worcester FM. The Licensee's music layout is made up of more than 80s music with even Brenda Fassie's and Stimela's old-time classics found during monitoring.

In terms of the South African Music Content Regulations, Worcester FM's local music output is supposed to be at eighty percent (80%). The Licensee's South African Music output of 55%, it is way below the eighty percent (80%) required by the Regulations.

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<sup>2</sup> Appendix B: ICASA South African Music Content Regulations

**Based on the above; Worcester FM does not comply with the South African Music quotas.**

#### **4.2 Regulations Regarding Standard Terms and Conditions for Class Licensees**

Regulation 2 (1) (d) of the Regulations Regarding Standard Terms and Conditions for Class Licensees<sup>3</sup> provides two fundamental regulations that are constantly and continuously used to measure a Licensee's compliance. The two regulations are Regulation 2(1) and the sub-clauses, along with Regulation 9 in its entirety.

In terms of the provisions made by Regulation 2(1) of the Regulations Regarding Standard Terms and Conditions for Class Licensees; Worcester 92.6 FM has had no reported changes to its Licensee details and information in the year that is currently under review.

The Licensee submitted all the information that was required of it for the purposes of compiling this report. Compliance with this clause is measured based on the trends in the licensee's information submission.

**The Licensee complies with Regulations 2(1) and 9 of the Standard Terms and Conditions for Class Licensees.**

#### **5. CONCLUSION**

The monitoring exercise found that the Licensee complied with most of its requirements except for the South African music content output as outlined in this report. The Authority will continue to monitor the Licensee's compliance with the plan for the remainder of the 2023/24 financial year and make a determination on whether additional action will be required.

#### **6. TERMS OF REFERENCE**

Appendix A : Worcester 92.6 FM Broadcasting Service License

Appendix B : Worcester 92.6 FM Form 1

Appendix C : Regulations on South African Music Content

Appendix D : Regulations regarding the Standard Terms and Conditions

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<sup>3</sup> Appendix C: Regulations regarding the Standard Terms and Conditions