

## SUMMARY

This study provides insight into the numbers of officially tolerated sales points of soft drugs (coffee shops) and the municipal coffee shop policy in the Netherlands in 2007. In order to create a valid comparison, the number of coffee shops was counted and the municipal policy assessed in a similar way as 1999-2005. In 2005, it was decided to carry out the monitor every two years. At the end of 2007, civil servants in all of the then existing 443 municipalities were given a questionnaire on the official, written, coffee shop policy. In principle, these are the same civil servants who were involved in the last measurement, or their substitutes or their successors. These civil servants are involved in their municipality's soft drugs and coffee shop policy.

As in previous years, all of the civil servants were asked questions about the number of coffee shops. In the 2007 measurement, the questions referred to 2007 and in some areas also to 2006. Questions were also asked about the policy in their municipalities. The objectives of a municipality's policy, the policy on drugs tourism and illegal sales, the Act called 'Bevordering Integriteitsbeoordelingen door het Openbaar Bestuur' (BIBOB) and the enforcement of the coffee shop policy were also examined. The civil servants of municipalities with one or more coffee shops were also asked questions about the enforcement policy with regard to the AHOJ-G criteria. These civil servants were also asked additional questions about their municipality's policy in terms of the proximity of the coffee shops to schools and the country's border, and, if applicable, other policy criteria used.

This monitor focuses solely on the number of coffee shops and the policy carried out by the municipalities. This report does not examine how the policy is enforced or whether the AHOJ-G criteria are observed. The conclusions are set out below as separate points.

## 1. Number of coffee shops

*How many coffee shops were there in 2007?*

*- Number of coffee shops*

*- Geographical spread and coffee shop density*

### **Number of coffee shops**

- ♦ There are one or more coffee shops in 106 of the 443 municipalities in the Netherlands. In 105 of these municipalities, coffee shops are tolerated and one municipality has a zero policy. This municipality does have a coffee shop. The 106 municipalities that do have coffee shops have a total of 702 coffee shops, which represents a decrease of 3.7 percent compared with 2005, when there were 729 coffee shops. In 2005, 105 municipalities had one or more coffee shops; in 2007 106 municipalities had one or more coffee shops. Since the 1990s, the number of coffee shops has slightly decreased each year. The decrease was higher in the beginning than it has been in recent years.
- ♦ The coffee shops have mainly disappeared as a result of the elimination policy in a number of large municipalities. In addition, a number of coffee shops have had to close for financial reasons.

### **Geographical spread and coffee shop density**

- ♦ Concentrations of coffee shops are mainly found in the Randstad and in the provinces' medium-sized cities. As in previous years, half of the coffee shops (51%) are established in the five municipalities with more than 200.000 inhabitants. Most of the municipalities with less than 50.000 inhabitants do not have any coffee shops. The 106 municipalities that have coffee shops have an average of 0,53 coffee shops per 10.000 inhabitants.

## 2. Municipal policy

*What is the municipalities' policy on the establishment and licensing of coffee shops?*

- *Types of policy*
- *Number of coffee shops that are officially allowed*
- *Regional agreements*

### **Types of policy**

- ♦ One quarter (25%, 111 municipalities) of the Dutch municipalities tolerate coffee shops. Six of these municipalities have indicated that they do not currently have any coffee shops. In 2007, almost two-thirds (66%) of all of the municipalities had a zero policy, 24 percent had a maximum policy, while in 10 percent of the municipalities no policy had been formulated.

### **Number of coffee shops that are officially allowed**

- ♦ In 2007, 16 municipalities with a maximum policy had more tolerated coffee shops than the policy allowed for. On the other hand, 17 municipalities had fewer coffee shops than the stated maximum. In total, there are just as many coffee shops as is officially allowed.

### **Regional agreements**

- ♦ Half of all of the municipalities (52%) indicated that regional agreements had been made on coffee shop policy. Of the municipalities that do not tolerate coffee shops (332), about three-fifths (58%) had made regional agreements on coffee shops. Of the 111 municipalities that tolerate coffee shops, 34 percent had made regional agreements. There are three types of agreements: one or two large municipalities in the region tolerate coffee shops and the other municipalities do not; none of the municipalities in the region tolerate coffee shops; the number of coffee shops per number of inhabitants is determined at a regional level. The situation in 2007 is largely comparable to that of 2005.

### 3. Enforcement

*What is the municipalities' enforcement policy?*

- *National criteria in the municipal policy*
- *Additional criteria*
- *Measures against the non-tolerated sale of soft drugs*
- *Enforcement*

#### **National criteria in the municipal policy**

- ♦ The majority of the municipalities (90% in 2007) indicated during the definition of the AHOJ-G criteria that they explicitly followed the guidelines of the Board of Attorneys-General and did not make any additions or deviations.

#### **Additional criteria**

- ♦ There are currently no coffee shops where the combined sale of soft drugs and alcohol is allowed. In 2005, there were still 47 so-called hash cafes where this was possible. These have since been converted into standard food and drink establishments or into alcohol-free coffee shops.
- ♦ Of the 106 municipalities that have coffee shops, 85 municipalities (80%) had a distance or proximity criterium to schools in 2007. Most of these municipalities (44) indicated that they apply a (minimum) distance of 250 metres.
- ♦ Of the 106 municipalities that have coffee shops, 15 are directly on the border. In 2007, one municipality indicated that policy had been put in place for the proximity to the country border. The distance is not further specified.
- ♦ In 61 of the 106 municipalities, one or more criteria for the establishment of coffee shops are applied in addition to the above-mentioned policy criteria and measures.

#### **Measures against the non-tolerated sale of soft drugs**

- ♦ The 2007 measurement shows that 62 percent of Dutch municipalities have explicitly included the Opium Act (Article 13b) in their policy.<sup>1</sup> In 2005, only 48 percent of the Dutch municipalities had included this Act.

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<sup>1</sup>Article 13b of the Opium Act changed in September 2007. This study refers to the old article.

- ♦ More municipalities have included Article 174a of the Municipal Act in their policy: 62 percent in 2007 as opposed to 47 percent in 2005.

#### **Enforcement**

- ♦ Of the 106 municipalities that have coffee shops, 99 have defined in the policy how the AHOJ-G criteria are enforced. Seven municipalities indicated that they have not (yet) done this. In the majority of the municipalities (97), the civil servants stated that the enforcement of all five of the criteria had been defined.
- ♦ In most of the municipalities (82%) in which enforcement has been defined, the AHOJ-G criteria have to be reactively and proactively enforced in the form of unannounced and announced controls.

#### **4. Sanction policy and sanctioning**

*What is the sanction and penal action policy and how is it applied in 2007?*

- *Sanction routes*
- *Violations*
- *Sanctions*
- *Application of BIBOB, Article 13b of the Opium Act and Article 174a of the Municipality Act*

#### **Sanction routes**

- ♦ In 77 municipalities with coffee shops (73%), the administrative sanctions for the violation of the AHOJ-G criteria are (officially) defined in the coffee shop policy. They have not been defined in the other 29 municipalities.
- ♦ Like in 2005 (90%), most of the municipalities (94%) that have included sanctions in the policy have also defined sanction routes or a step-by-step plan. This route or plan consists (by criterium) of two, three, four, or five steps.

### **Violations**

- ♦ According to civil servants, no violations of the additional criteria were recorded in 2007 in most (59%) of the municipalities with coffee shops.
- ♦ The violations that were recorded in 2007 relate mainly to the Youth criterium (15 municipalities) and to the Maximum sales stock (20 municipalities).
- ♦ According to the civil servants, a total of 88 violations of the AHOJ-G criteria were identified in 2007; 19 more than in 2005.

### **Sanctions**

- ♦ In 2007, the violation of the Maximum sales stock (28 times) resulted the most often in sanctions.
- ♦ A number of municipalities have not formulated sanctions for the violation of the Large quantities criterium and of the Maximum sales stock criterium because these criteria, according to them, are difficult to control and the burden of proof is difficult to compile. The sanctions imposed in 2007 show that this does not apply to every municipality.
- ♦ Most of the violations (A-criterium 13 times; J-criterium 20 times) were countered with an official warning.
- ♦ For 63 of the 94 violations that were sanctioned, the first step in the step-by-step plan was imposed. A sanction from the second, third and fourth step was mainly imposed for violations of the Large quantities criterium and the Maximum sales stock criterium.
- ♦ In 2007, a sanction was imposed 15 times without following a step-by-step plan. The main reason for this is that the corresponding municipality did not have a step-by-step plan at that time.
- ♦ The step-by-step plan was consistently followed for most of the violations (85%). Reasons to deviate from the step-by-step plan are the severity of the violations or a combination of violations.

### **Enforcement BIBOB, Damocles Act and Victor Act**

- ♦ Of the 23 municipalities that enforced the BIBOB Act in 2007, the majority (15) enforced the Act only once. Three municipalities enforced the Act twice and five municipalities enforced it three or more times.
- ♦ Article 13b of the Opium Act (Damocles) was enforced in 2007 by one-fourth of the municipalities with coffee shops (59 times in total). This is the old Article 13b before the changes in November 2007.
- ♦ Article 13b of the Opium Act was less frequently enforced in municipalities that do not have coffee shops (a total of seven times in five municipalities). This situation is not much different than in 2005.
- ♦ Article 174a of the Municipality Act (Victor) was enforced in 2007 to tackle illegal sales a total of 22 times in ten municipalities that have coffee shops. In the municipalities that do not have coffee shops, this article was not enforced once in 2007. This is, in both categories of municipalities, less often than in 2005.

## **5. Experiences and future plans**

*Which experiences did civil servants have with coffee shop policy and the enforcement policy, and have changes been made after 2007?*

### **Experiences**

- ♦ The experiences with the coffee shop policy and the enforcement of the AHOJ-G criteria are, like in 2004 and 2005, predominantly positive. Of the 337 municipalities that do not have coffee shops, 302 indicated that they have had no problems or have had good experiences with the policy and those involved.
- ♦ The municipalities that do have coffee shops are also predominantly positive (71%). Heavy traffic, caused in particular by drugs tourism, and the sanctions and procedures of the enforcement policy are not referred to by any of the civil servants (six each) as bottlenecks.

- ♦ Ninety nine of the 106 municipalities that have coffee shops indicated that the AHOJ-G criteria are sufficiently suitable to regulate the sale of soft drugs.
- ♦ Of the municipalities that do not have coffee shops, 299 (89%) indicated that they have sufficient means to enforce the policy. The 29 municipalities that indicated that they do not have sufficient means, specified in particular the lack of an (sound) enforcement policy (13) and enforcement capacity (9) as problems.

#### **Future plans**

- ♦ Of the 337 municipalities that do not have coffee shops, 75 (22%) indicated that they want to change the policy in the next two years. Five municipalities will evaluate their policy during this period and possibly implement any ensuing changes in their coffee shop policy.
- ♦ In 15 municipalities, the possibilities of the Opium Act's revised Article 13b will be added to the policy in the coming period. In addition, 15 of the 45 municipalities that do not have a coffee shop policy yet, want to put an official policy in place.
- ♦ Of the 80 municipalities that do not have coffee shops that will be changing or evaluating their coffee shop policy in the next two years, eight indicated that they are doing this as a result of the coalition agreement. A large number (22) indicated that they are taking this into account or that the policy will be aligned to the national policy.
- ♦ Thirtyseven of the municipalities that have coffee shops want to implement policy changes in the next two years. Like the municipalities that do not have coffee shops, a number of the municipalities that have coffee shops (four) want to evaluate their current policy first and adapt their policy according to the results.
- ♦ Six municipalities indicated that they want to implement the changes in the Damocles Act, four municipalities want to include the BIBOB Act in their policy, while four other municipalities want to create a proximity criterium (to schools or other coffee shops).

- ♦ Seven of the 41 municipalities that have coffee shops that want to change or evaluate their coffee shop policy indicated that they are doing this as a result of the coalition agreement. In three municipalities, the plans were not made as a result of the coalition agreement, but, according to them, are in line with it.

