

SUMMARY

Bieleman, B., R. Mennes, M. Sijstra (2017)

Coffeeshops in Nederland 2016. Aantallen coffeeshops en gemeentelijk beleid 1999-2016

This report discusses the results of the thirteenth measurement of the number of tolerated soft drugs points of sale (coffee shops) in the Netherlands and the municipal coffee shop policy. Commissioned by the Research and Documentation Centre (WODC) of the Dutch Ministry of Security and Justice, bureau INTRAVAL accurately follows the developments concerning coffee shops since 1999, using this monitor. For this measurement, a questionnaire has been carried out among the responsible civil servants of all Dutch municipalities in the period of March 2017 to April 2017. As in previous measurements, the response in municipalities with coffee shops is 100%. The monitor has four topics: number of coffee shops; municipal policy; enforcement policy; and sanctions policy.

Number of Coffee Shops

At the end of 2016, the Netherlands has 573 coffee shops spread across 103 coffee shop municipalities. Compared to the previous measurement in 2014 - when there were 591 coffee shops - 22 coffee shops have gone and four have been added. The decline in the number of coffee shops continues, also in 2017. At the end of March 2017 there are 567 coffee shops in the Netherlands. It seems the situation has somewhat stabilised, since the decline in the number of coffee shops in the 2015-2016 period is the lowest since 2008. The average number of residents per coffee shop is 32.671 for the 103 coffee shop municipalities at the end of 2016. This is more or less equal to the end of 2014, when the coffee shop density was 32.459.

The main reasons that coffee shops have disappeared since the last measurement, are the area-specific "1012" approach in Amsterdam, municipalities enforcing a distance criterion, closure due to a negative BIBOB advice (Public Administration Probity Screening Act), and coffee shops violating the applicable tolerance criteria. Four coffee shops have been added because some municipalities want the number of coffee shops to equal the maximum in their policy. By expanding, they want to meet the local demand for cannabis.

Municipal Policy

Compared with the previous measurement, hardly anything has changed in terms of municipal policy. At the end of 2016, 272 (69.7%) of the 390 municipalities have a zero policy (no tolerance of points of sale) and 15 (3.8%) municipalities have no policy regarding coffee shops. As with the previous measurement, 103 municipalities (26.4% of all municipalities) have a policy in which coffee shops are tolerated.

All 103 municipalities with a tolerance policy employ a maximum policy. In 84 (81.6%) of these municipalities, the number of coffee shops is equal to the maximum. In ten (9.7%) municipalities the number of coffee shops is below the maximum, and the number exceeds the maximum in nine (8.7%) municipalities. In this last group, four municipalities adopt an extinction policy to make sure the number of coffee shops will eventually equal the lower maximum number.

Enforcement Policy

As with the previous measurement, virtually all municipalities have specified the enforcement of the A-criterion (no advertising), H-criterion (no hard drugs), O-criterion (no nuisance), J-criterion (no youngsters), G-criterion (no large quantities), and the Maximum trade quantity in their policy. Fewer municipalities have defined the enforcement of the I-criterion (no access to coffee shops and sale of

soft drugs to others than residents of the Netherlands), but the number that did, was higher in 2016 (75.7%) than in 2014 (68.0%).

Of the 103 coffee shop municipalities, 95 (92.2%) have included at least one criterion in their coffee shop policy. 84 municipalities (81.6%) have defined a distance criterion. More than half of the municipalities (56.0%) have defined a minimum distance of 250 meter between a coffee shop and an educational institution. Only 36 coffee shops, from nine municipalities, do not meet the distance criterion. In the previous measurement, 41 coffee shops from 11 municipalities did not comply.

The practical supervision of coffee shops is the joint task of the police and the municipality in almost two-thirds (63.1%) of the municipalities. Unannounced inspections should take place in more than half (53.4%) of the coffee shop municipalities. 49 of the 103 coffee shop municipalities (46.7%) have not specifically defined which enforcement policy should be adopted. Three in five municipalities (60.2%) have not specifically defined the inspection frequency in the policy. When the inspection frequency has been defined (in 30.1% of the municipalities), it is often between two to five inspections per coffee shop per year.

Sanctions Policy

Out of the 103 coffee shop municipalities, 98 (95.1%) have formalised the administrative sanctions for violating the applicable tolerance criteria in the enforcement arrangement. 95 municipalities (92.2%) use a so-called sanction trajectory or action plan. If municipalities do have a sanctions policy, they generally include all criteria except the I-criterion. In 2016, the I-criterion has been included in the sanctions trajectory by 54 (56.8%) of the 95 municipalities. In the previous measurement, 49 (52.1%) of 94 municipalities included the criterion.

Municipalities have not changed their sanctions trajectories much compared to the previous measurement. In general, municipalities give a formal warning for the first violation, with the exception of the H- and J-criteria. The most common sanction for the second and third violation is closing the coffee shop for a certain period of time. The sanction for the fourth and fifth violation is almost always closure for an indefinite period, revoking the tolerance statement or final closure of the shop. Violations of the J- and H-criteria by coffee shops are still more heavily charged than violations regarding the other national tolerance criteria. In a first violation of these two criteria, municipalities will usually close the coffee shop for a certain period of time without a formal warning.

In total, 19 violations of the tolerance criteria have been identified in 17 different municipalities in 2016. This is less than 2014, when there were 28 violations in 21 municipalities. The most frequently identified violations in 2016 concerned additional criteria: nine times in total. The Maximum trade quantity was violated 6 times, the O-criterion three times and the H-criterion once.