



## SUMMARY

*Mennes, R., I. Schoonbeek, J. van der Molen, B. Bieleman (2019)*

*Coffeeshops in Nederland 2018. Aantallen coffeeshops en gemeentelijk beleid 1999-2018*

This report discusses the results of the 14th measurement of the number of tolerated cannabis 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 Justice and Security, bureau Breuer&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 April 2019 up to and including June 2019. As in previous measurements, the response in municipalities with at least one coffee shop and the municipalities without coffee shop policy is 100%. The monitor includes four subjects: number of coffee shops; municipal policy; enforcement policy; and sanctions policy.

### Number of Coffee Shops

At the end of 2018, the Netherlands had 567 coffee shops spread across 102 coffee shop municipalities. Compared to the previous measurement in 2016 - when there were 573 coffee shops - 14 coffee shops have gone and eight have been added. It seems that the stabilisation of the number of coffee shops also applies to 2019. In March 2019 the number of coffee shops slightly increased to 570. The average number of residents per coffee shop is 33 489 for the 102 coffee shop municipalities at the end of 2018, which is similar to the number at the end of 2016 (32 671).

The main reasons that coffee shops have disappeared since the last measurement, are closures due to a negative BIBOB advice (Public Administration Probity Screening Act)<sup>i</sup>, and coffee shops violating the applicable tolerance criteria. The eight new coffee shops have mainly filled up gaps left by coffee shops that closed their doors. In addition, some municipalities want to make sure the number of coffee shops matches the maximum number of coffee shops allowed in a municipality.

### Municipal Policy

In comparison with the previous measurement, hardly anything has changed in terms of municipal policy. At the end of 2018, 266 (70%) of the 380 municipalities have a zero policy<sup>ii</sup> (no tolerance of points of sale) and 12 (3.2%) municipalities have no policy regarding coffee shops. There are 102 municipalities (26.8% of all municipalities) with a policy in which coffee shops are tolerated<sup>iii</sup>.

All 102 municipalities with a coffee shop policy still have a maximum policy<sup>iv</sup> indicating a maximum number of coffee shops that cannot be exceeded. Most municipalities that further specify their policy, indicate that regional agreements have been made. This concerns 23 (22.5%) of the 102 municipalities. The regional agreements between coffee shop municipalities mainly relate to whether or not to (actively) enforce the Resident criterion (I-criterion: non-residents do not have access to the coffee shop). There are also 12 (11.8%) municipalities that indicate that they execute an extinction policy<sup>v</sup>. In 83 (81.4%) of the 102 coffee shop municipalities, the number of coffee shops equals the established maximum. In 11 (10.8%) municipalities the number of coffee shops is lower than the established maximum. Five of these 11 municipalities have taken measures to ensure that coffee shops are added, to meet the local demand for cannabis. In eight (7.8%) municipalities, the number of coffee shops is higher than the maximum.



### Enforcement Policy

Nearly all 102 coffee shop municipalities have included the enforcement of national tolerance (AHOJGI) criteria - no advertising, no hard drugs, no nuisance, no youngsters, no large quantities, residents only<sup>vi</sup> - and the Maximum trade quantity in their policy. The A-criterion (no advertising) and the Maximum trade quantity<sup>vii</sup> are not included in the policy of two municipalities. The I-criterion (residents only) has been included in an enforcement arrangement by fewer municipalities: 86 (84.3%). This number is higher than the number in 2016.

Of the 102 coffee shop municipalities, 94 (92.2%) have included at least one criterion of establishment in their coffee shop policy in addition to the AHOJGI-criteria. Most coffee shop municipalities - 86 (84.3%) - include the distance criterion. Of these municipalities 51 (59.3%) use a distance of 250 meters or less from a coffee shop to an educational institution. 11 coffee shops spread over seven municipalities do not meet the distance criterion set by the municipality. In the previous measurement, 36 coffee shops from nine municipalities did not comply.

The practical supervision of coffee shops is in the vast majority of municipalities - 65 (63.7%) - a joint task of the police and municipality. This is the same number as in the previous measurement. 52 (51%) coffee shop municipalities did not specify what kind of checks should take place. At most other municipalities - 49 (48%) - unannounced coffee shop inspections should take place. A large number of municipalities - 61 (59.8%) - did not include the inspection frequency in their policy. If the frequency is set, it is often between two and five checks per coffee shop per year.

### Sanctions Policy

Out of the 102 coffee shop municipalities, 96 (94.1%) have formalised the administrative sanctions for violating the applicable tolerance criteria in the enforcement arrangement. 93 municipalities (96.9%) use a so-called sanction trajectory or action plan. If municipalities have a sanctions policy, they generally include all criteria except the I-criterion. In 2018, 55 municipalities included the I-criterion in the sanction process, one more than the previous measurement in 2016 when there were 54.

As with the previous measurement, municipalities follow up violations of the national tolerance criteria - with the exception of the H- and J-criteria - in the first step of the sanction process by issuing a formal warning. 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 H- and J-criteria by coffee shops are still charged more heavily 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 2018 a total of 26 violations were found in 14 municipalities. This is more than 2016, when there were 19 violations in 17 municipalities. In 2018, the most frequent violation was the Maximum trade quantity that occurred 15 times. 11 times a municipality found a violation of another criterion.



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<sup>i</sup> BIBOB is an abbreviation for 'Public Administration Probity Screening Act'. BIBOB's goal is to guarantee the integrity of governing bodies. BIBOB applies to (certain) permits, grants, tenders and real estate transactions. BIBOB also applies to coffee shops. On the basis of BIBOB municipalities have the possibility to refuse a permit application or revoke an issued permit if there is a serious risk of, for example, the abuse of a permit.

<sup>ii</sup> In municipalities with a zero policy, coffee shops are not allowed.

<sup>iii</sup> In municipalities where coffee shops are tolerated, coffeeshops have to meet specific requirements in order to be tolerated.

<sup>iv</sup> In municipalities with a maximum policy a limited (maximum) amount of coffee shops is permitted.

<sup>v</sup> In municipalities with an extinction policy the number of coffee shops have to be reduced, whether or not by active policy. The new (maximum) number of coffee shops is determined or the specific coffee shops that are required to close within a certain amount of time are appointed. It's possible the municipality wants to obtain a zero policy.

<sup>vi</sup> When the AHOJGI-criteria are met, the public prosecution office will waive prosecution.

- A-criterion: no advertising. Advertising, other than a small sign on the shop, is not allowed.
- H-criterion: no hard drugs. It is not allowed that hard drugs are available or sold at the coffee shop.
- O-criterion: no nuisance. Nuisance - for example parking nuisance, noise disturbance, pollution or visitors hanging around in front of or in the immediate vicinity of the shop – is not allowed.
- J-criterion: no youngsters. Youngsters under the age of 18 are not allowed in the coffee shop. It is also forbidden to sell cannabis to them.
- G-criterion: no large quantities. It is not allowed to sell more than can be used for personal use only (=5 gram) per customer per day. Only a small trade stock is allowed; it is not allowed to exceed 500 gram.
- I-criterion: non-residents (people who do not live in The Netherlands) do not have access to the coffee shop nor is it allowed to sell cannabis to them.

<sup>vii</sup> Maximum trade quantity: in the consultation between the major, public prosecution office and the police the maximum trade quantity can be determined. The stock is not allowed to exceed 500 gram.