

# **Coffeeshops in Nederland 2011**

## **Aantallen coffeeshops en gemeentelijk beleid 1999-2011**

### **Summary**

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2012, ST. INTRAVAl, Groningen-Rotterdam.**

This study provides insight into the tenth measurement of the monitor on the numbers of officially tolerated sales points of soft drugs (coffee shops) and the municipal coffee shop policy in the Netherlands in 2011. With this monitor the developments are being followed since 1999. The monitor is carried out by bureau INTRAVAl in commission of the Research and Documentation Centre (WODC) of the Dutch Ministry of Security and Justice. In order to create a valid comparison, the number of coffee shops was counted and the municipal policy assessed in a similar way as in 1999-2007 (Bieleman et al 2008). At the end of 2011 and at the beginning of 2012 civil servants in all of the then existing 418 municipalities were given a questionnaire on the official, written, coffee shop policy. The response is 100%.

This monitor focuses on three topics: the number of coffee shops and the policy carried out by the municipalities; enforcement policy; and sanction policy. Attention is also paid to the experiences and the future plans of the municipalities.

### **Number of coffee shops and municipal policy**

At the end of 2011 there are 651 coffee shops in 104 municipalities in the Netherlands. This means that the slight decrease of the number of coffee shops has continued. The number of coffee shops is at the end of 2011 decreased with 2,3% compared to 2009 when there were 666 coffee shops. The coffee shops have had to close, because: the licence had been withdrawn based on a negative Bibob-advice<sup>1</sup>; the owner could not give a certificate of good conduct; one or more AHOJ-G criteria<sup>2</sup> have been broken.

As in previous years concentrations of coffee shops are mainly found in the western part of The Netherlands (the so-called Randstad) and in the medium-sized cities in the provinces. The number of coffee shops compared to the number of inhabitants of a municipality is overall 1 coffee shop per 31.413 inhabitants.

### **Types of policy**

In 2011, almost two-thirds of all of the municipalities had a zero policy, one quarter had a maximum policy, while in less than ten percent of the municipalities no policy had been formulated. The situation in 2011 is largely comparable to that of 2007. The number of municipalities with more or less coffee shops than officially are allowed is in 2011 19. This is a decrease compared to 2007.

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<sup>1</sup> Municipalities can in their local coffee shop policy make use of the Public Administration Probity Screening Act (Wet Bibob). This Act gives local authorities the power to screen certain new applications for permits, operating licenses, tenders or subsidies, in order to prevent them from unwittingly facilitating organized crime. Dutch administrative authorities may refuse permits if they have serious doubts about the integrity of the applicant.

<sup>2</sup> In The Netherlands is by law the production and trade in cannabis not allowed, but the Public Prosecutor has drawn up rules (the so-called AHOJ-G criteria) in which way the law must be preserved. When coffee shops follow these criteria, the Public Prosecutor will decide not to prosecute them for selling cannabis in the coffee shops.

### **Enforcement policy**

The majority of the municipalities (97% in 2011) indicated that concerning the AHOJ-G criteria they explicitly followed the guidelines of the Board of Attorneys-General and did not make any additions or deviations.<sup>3</sup> Some municipalities have sharpened the AHOJ-G criteria.

Of the 104 municipalities that have coffee shops, 86 municipalities (83%) had a distance or proximity criterium to schools in 2011. Most of these municipalities (69) indicated that they apply a (minimum) distance of 250 metres. From 1 January 2014 the minimum distance of a coffee shop to a school for secondary education must be 350 metres. This plan will affect at least 164 coffee shops in 26 municipalities. These coffee shops have to be relocated or closed. Moreover, in 2011 more municipalities have other criteria for the establishment of coffee shops and additional criteria.

Article 13b of the Opium Act (Damocles) was enforced in 2011 by 47 municipalities for closing premises from which cannabis was sold.<sup>4</sup> This is more often than in 2007. In 2011, on the contrary, is made no use of Article 174a of the Municipality Act. Since the change of Article 13b of the Opium Act in 2007 Article 174a of the Municipality Act has not been used anymore for closing drugs premises.

### **Sanction policy**

In 93 municipalities with coffee shops (90%), the administrative sanctions for the violation of the AHOJ-G criteria are (officially) defined in the coffee shop policy. According to civil servants, no violations of the criteria were recorded in 2011 in most (71%) of the municipalities with coffee shops. The violations that were recorded in 2011 relate mainly to the Youth criterion (11 municipalities) and to the Maximum sales stock (13 municipalities). According to the civil servants, a total of 51 violations of the AHOJ-G criteria were identified in 2011, 37 less than in 2007.

### *Closures*

Violations of the criterion of not selling more than 5 grams per transaction, the Youth criterion en the Maximum sales stock have led to a closure for specific time (e.g. four weeks or six months) of 15 coffee shops in 12 municipalities. In nine municipalities 15 coffeeshops have been closed for indefinite period of time.

### **Experiences and future plans**

The experiences with the coffee shop policy are, like in 2007, predominantly positive. Of the municipalities that do have coffee shops 63% indicated that they have had no problems or have had good experiences with the policy and those involved, while this percentage was 71 in 2007. These civil servants indicated that they do not have sufficient means, specified in particular the lack of enforcement capacity (8). The civil servants also mention as a bottleneck in 2011: the use of Bibob (6); the approach of the not-allowed selling points of cannabis (5); the public nuisance caused by 'cannabis'-tourists from foreign countries (4); and the approach of cannabis use in public spaces (2).

In January 2012 the closed club criterion and the resident criterion have been added to the existing criteria for exploitation. Beside this measures 36, of the 104 municipalities that do have coffee shops (35%) indicated that they want to change the policy in the next two years. From these 36 municipalities 11 say that they will actualize the (regional) policy.

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<sup>3</sup> The AHOJG criteria stand for: no advertising, no sale of hard drugs, not causing public nuisance, not selling to persons under the age of 18 and not selling more than 5 grams per transaction. Coffee shops are also not allowed to sell alcohol or to have a stock of 500 grams of cannabis or more. In January 2012 the closed club criterion and the resident criterion have been added to the existing criteria for exploitation.

<sup>4</sup> These are not coffee shops, but not-allowed points of sale of cannabis.