

## 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 2012. These developments are being followed since 1999. This monitor is carried out, like the previous, by bureau INTRAVAL in commission of the Research and Documentation Centre (WODC) of the Dutch Ministry of Security and Justice. 178 Civil servants of the municipalities received 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 future plans of the municipalities.

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

At the end of 2012 there were 617 coffee shops in 103 of the 415 municipalities in the Netherlands. This means that the slight decrease of the number of coffee shops has continued. The number of coffee shops decreased with 5,2% compared to 2011 when there were 651 tolerated coffee shops in the Netherlands. In April 2013 there were 614 coffee shops in the Netherlands in 103 municipalities. This is a decrease with 5,7% compared to 2011 and a decrease with 0,5% compared to 2012. The coffee shops had to close because the licence had been withdrawn. This is mainly due to a negative BIBOB-advice or breaking one or more of the criteria (as formulated in the local policy).<sup>1</sup>

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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

As in previous years concentrations of coffee shops are mainly found in the western part of The Netherlands (the so-called Randstad) and in 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 31.523 inhabitants.

#### *Types of policy*

In 2012, two-thirds of all the municipalities had a zero policy, one quarter had a maximum policy (and thereby tolerate the presence of one or more coffee shops) and in 7% of the municipalities no policy has been formulated. The situation in 2012 is largely comparable to that of 2011.

There are 13 municipalities with in total 32 coffee shops more than officially are allowed. Besides that there are 16 municipalities with in total 31 coffee shops less than officially are allowed.

#### **Enforcement policy**

The majority of the municipalities tolerating coffee shops (maximum policy) indicated that concerning the AHOJGI-criteria they explicitly followed the guidelines of the Board of Attorneys-General and did not make any additions or deviations (96% in 2012).<sup>2</sup> A few municipalities have sharpened the AHOJGI-criteria.

Of the 103 municipalities that have coffee shops, 83 municipalities (81%) had a distance or proximity criterion to

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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> The AHOJGI-criteria stand for: no advertising; no sale of hard drugs; not causing public nuisance; not selling to persons under the age of 18; not selling more than 5 grams per transaction; and selling only to residents of The Netherlands. Coffee shops are also not allowed to sell alcohol or to have a stock of 500 grams of cannabis or more.

schools in 2012. There are 55 municipalities that apply a distance of 250 metres or less and 19 municipalities apply a distance of more than 250 metres. Moreover, in 2012 84 municipalities have other criteria for the establishment of coffee shops, such as a prohibition on establishment in residential areas, in the vicinity of licensed premises or another coffee shop.

Article 13b of the Opium Act (Damocles) was enforced in 2012 by 20 of the 103 municipalities with coffee shops for closing premises from which cannabis was sold.<sup>3</sup> In municipalities where no policy has been formulated, the Article 13b wasn't enforced to tackle non-tolerated points of sale of cannabis.

### **Sanction policy**

In 95 municipalities with coffee shops (92%), the administrative sanctions for the violation of the AHOJGI-criteria are officially defined in the coffee shop policy.<sup>4</sup> In 31 of the municipalities, 60 violations of the criteria were recorded in 2012. The violations that were recorded in 2012 relate mainly to the maximum sales stock (13 municipalities), youth criterion (seven municipalities) and the resident criterion (seven municipalities). In 38 of the 95 municipalities the criminal sanctions are also defined in the coffee shop policy.

### *Closures*

Violations of the criteria, for instance for violations of the youth criterion and the maximum sales stock, have led to closures of coffee shops in 16 municipalities for a specific time period, for example four weeks to six months. In five municipalities coffee shops have been closed for indefinite period of time for violations of the maximum sales stock, a negative BIBOB-advice or committing a criminal offence.

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<sup>3</sup> These aren't coffee shops, but not-allowed points of sale of cannabis.

<sup>4</sup> However, this depends on the criterion. The resident criterion is part of the sanction policy in 25 municipalities in 2012.

### **Experiences and future plans**

The experiences with the coffee shop policy are predominantly positive. Of the municipalities that do have coffee shops 64% indicated that they have had no problems with the coffee shop policy. The bottleneck for the other municipalities is the lack of policy for provisioning of the coffee shops ('back door problem') (14), the use of BIBOB (7), the lack of enforcement capacity (6) and tackling of non-allowed selling points of cannabis (6). Three quarter of the municipalities that do have coffee shops (78 municipalities) indicated that they want to change the policy in 2013 or 2014. Changes relate to the adjustments to the national policy (cancelling the closed club criterion and changes of the resident criterion), adjustments to regional policy, adjustments of the maximum policy (and enforcement) and adding or dropping additional criteria.