

SUMMARY

Bieleman, B., R. Mennes, M. Sijstra (2015)

Coffeeshops in Nederland 2014. Aantallen coffeeshops en gemeentelijk beleid 1999-2014

This report discusses the results of the twelfth measurement of the monitor of the number of tolerated point of sales of soft drugs (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 in the period of March 2015 to April 2015. As in previous measurements, the response is 100%. The monitor has four topics: number of coffee shops; municipal policy; enforcement policy; and sanctions policy.

Number of coffee shops

Late 2014, The Netherlands has 591 coffee shops spread across 103 coffee shop municipalities. Thus, the number of coffee shops is below 600 for the first time since 1999, when the first measurement took place. Compared to the previous measurement in 2012 - when there were 617 coffee shops - the number of coffee shops has decreased by 4.2%. The decline in the number of coffee shops continues, also in 2015. In fact, at the end of March 2015, there are 582 coffee shops in the 103 coffee shop municipalities. Especially in the largest cities (over 200,000 inhabitants), the number of coffee shops has declined. In 1999, 443 coffee shops were located in these municipalities, while 297 did so in 2014. The average number of residents per coffee shop is 32.459 for the 103 coffee shop municipalities at the end of 2014. This average is slightly higher than in 2012 (31.523).

The main reasons that coffee shops have disappeared in the past two years are 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, leading them to be closed permanently.

Municipal policy

Compared with the previous measurement, hardly anything has changed in terms of policy. At the end of 2014, 281 (69.7%) of the 403 municipalities have a zero policy and 103 municipalities (25.6% of all municipalities) have a policy in which coffee shops are tolerated. Furthermore, 19 (4.7%) municipalities have no policy regarding coffee shops.

All 103 municipalities with a tolerance policy employ a maximum policy. In 84 (81.6%) of the 103 municipalities, the number of coffee shops is equal to the maximum. In six (5.8%) municipalities, the number of coffee shops is below the maximum (previous measurement 13%) and the number exceeds the maximum in 13 (12.6%) municipalities (previous measurement 16%).

Forty-five (43.7%) coffee shop municipalities intend to alter their policy in the next two years. Examples include an update of existing policies, adding the I-criterion (only residents in the Netherlands), paying more attention to the BIBOB Act and adding new establishment criteria or additional criteria.

Enforcement policy

As with the previous measurement, only a few municipalities have not specified the enforcement of the A-criterion (no advertising), H-criterion (no harddrugs), O-criterion (no nuisance), J-criterion (no

youngsters), G-criterion (no large quantities) and the Maximum trade quantity in their policy. Considerably fewer municipalities (68.0%) have defined the enforcement (in an enforcement arrangement) of the I-criterion.¹

Of the 103 coffee shop municipalities, 95 (92.2%) have included at least one criterion in their policy regarding the establishment of coffee shops. Most municipalities (84.5%) define a distance criterion. Of the municipalities with a distance criterion, 78 (89.7%) have defined the minimum distance between a coffee shop and an educational institution in the coffee shop policy. Most (55.2%) use a distance of 250 meters or less.

Ninety-three (90.3%) coffee shop municipalities have included at least one additional criterion in their policies. With an additional criterion, most municipalities (63.1%) focus on the manager of the shop and the staff working there.

The practical supervision of coffee shops is the joint task of the police and the municipality in the vast majority of the 103 coffee shop municipalities (65.0%). According to the policy, unannounced inspections in coffee shops should take place in more than half (53.4%) of the 103 coffee shop municipalities. However, in a relatively large number of the municipalities (58.3%), the inspection frequency is not specifically defined in the policy. When the inspection frequency has been defined, it is often between two and five inspections per coffee per year.

Sanctions policy

Of the 103 coffee shop municipalities, 97 (94.2%) have formalized the administrative sanctions for violating the applicable tolerance criteria in the enforcement arrangement. Ninety-four municipalities (91.3%) use a so-called sanction trajectory or action plan. The 94 municipalities that have a sanction trajectory in place usually include all criteria in it. A clear exception to this is the relatively new I-criterion, which has been included in the sanctions trajectory by 49 (52.1%) of the 94 municipalities in 2014.

A formal warning usually follows a first violation of a criterion. 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. This does not apply to the H-criterion and the J-criterion. Violation of these criteria by coffee shops are more heavily charged than violations of the other national tolerance criteria. In a first violation thereof, municipalities will usually close the coffee shop for a certain period of time without a formal warning.

In total, 28 violations of the tolerance criteria have been identified in 21 different municipalities in 2014. The most frequently identified violation was that of the Maximum trade quantity, which was nine times. In addition, eight violations of additional criteria have been identified. Violation of the H-criterion, however, was not identified once in 2014. The 28 violations identified have led to a sanction in all cases. In most cases (16), a formal warning was given. Twice, a penalty payment was imposed. Nine times, the coffee shop involved had to close for a certain period of time and in one case, the tolerance statement was revoked temporarily.

¹ According to an inventory by the Ministry of Security and Justice, the number of coffee shop municipalities that has added the I-criterion to the coffee shop policy is 76%.