

Summary

Coffee-shops in the Netherlands 2007

Compliance with and enforcement of coffee-shop regulations

The aim of this research is to describe how and to which extent the national and local coffee-shop criteria are being complied with and enforced in practice. The research is part of a monitor on this subject. A former measure took place in 2004. The research was commissioned by the Scientific Research and Documentation Centre of the Ministry of Justice.

The exploitation of a technically illegal but officially tolerated coffee-shop is subject to the AHOJ-G criteria:

A no advertising: no more than (very) low profile signposting of the facility

H no hard drugs: these may not be sold or held on the premises

O no disturbance: including traffic and parking, loitering, littering and noise

J no sales to the under-aged customers and no admittance of under-aged customers to coffee-shops: increasing cannabis use in young people has led to strict enforcement of the 18 years minimum age.

G transaction size is limited to 'personal use' which is defined as 5 grams per person per coffee-shop per day.

In addition, the maximum stock for trade to be tolerated by enforcement officers should not exceed 500 grams. Coffee-shops must be alcohol free. Municipalities often have further criteria such as minimum distance to schools (usually a 250 meter minimum), business hours and zoning criteria. Sometimes an integrity assessment in accordance with BIBOB legislation (Bieleman e.a., 2006) is made before a license is given to exploit a coffee-shop.

Two research questions were formulated for the study:

1. How and to which extent are the coffee-shop criteria being complied with and enforced in practice?
2. What are the changes compared to earlier years and what are current developments?

Various respondent groups were interviewed for the study. Geographically spread over the Netherlands, 65 coffee-shop proprietors located in 54 municipalities were interviewed. In addition 36 police coordinators and 57 street-level policemen and women were interviewed in writing. Also, almost 200 neighbours and 175 clients of coffee-shops completed a written questionnaire. Observation was conducted in 86 coffee-shops. In total, data were gathered from 101 coffee-shops.

The questionnaire used for the coffee-shops was based on the 'Table of Eleven'. The 'Table of Eleven' is a model developed in the social sciences consisting of eleven dimensions. On the basis of these dimensions an assessment can be made whether the criteria for compliance are being met. A distinction is made between voluntary compliance and enforcement dimensions. In this study the 'Table of Eleven' was applied to determine whether the conditions for a consequent compliance with the coffee-shop criteria were being met with regards to coffee-shop proprietors.

The possibility of receiving socially acceptable answers from coffee-shop proprietors was countered in the study by including the experiences of the police, and of customers and neighbours with criteria compliance and criteria enforcement, studying these and comparing the results with the answers given by the coffee-shop proprietors. This comparison revealed that coffee-shop proprietors did not give socially acceptable answers about violations

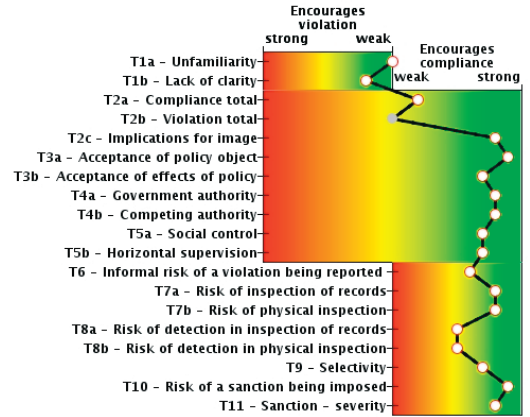
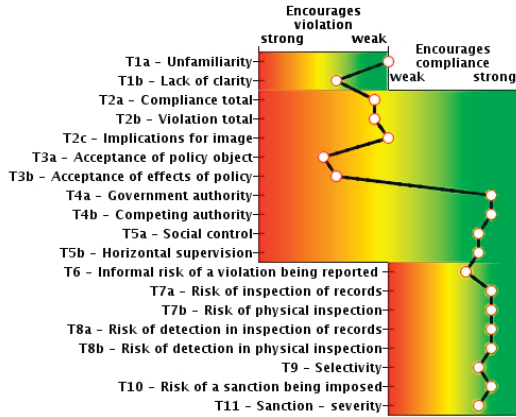
committed in 2007, but that their responses were clearly consistent with the experiences of enforcement officers and others involved. When a number of the coffee-shop proprietors from the original (2004) sample refused to participate in the interview the question arose whether there were more frequent regulation violations in these coffee-shops. The experiences of the street-level enforcement officers in those neighbourhoods were therefore compared to experiences of the street-level enforcement officers from the neighbourhoods of participating coffee shops. This revealed no differences with regard to numbers of regulation violations and we concluded that there was no bias in the coffee-shops in the study sample.

Are conditions for a consequent compliance met ('Table of Eleven')

To answer the research question 'how and to which extents are the coffee-shop criteria being complied with in practice?' compliance profiles were established for each АНОЈ-С criteria using the Table of Eleven. In the compliance profiles the dimensions of the 'Table of Eleven' are separated into violation-inducing dimensions and compliance-inducing dimensions. This compliance profile was determined for each АНОЈ-С criteria. The graphs below show the compliance profile per coffee-shop criterion. While the profiles reveal a generally compliance-inducing picture, it becomes apparent that the acceptance and the results of the policy for the advertising regulation is low, and therefore violation-inducing. Concerning the hard drug regulation it is apparent that coffee-shop proprietors view the risk of detection as being lower than for other regulations; this dimension is neither violation- nor compliance-inducing. Both the compliance profile for disturbance and the minimum age regulation show largely positive tendencies. The profiles for the five grams regulation and the maximum-in-stock regulation show violation-inducing dimensions which require attention. Especially concerning the five hundred grams maximum stock a low acceptance of the policy is shown. The balance between profit and risk of detection also is violation-inducing. Acceptance of the no-advertising regulation is also low but the balance between profit and sanction in case of detection is neutral here, giving the coffee-shop proprietor less cause for violation of the regulation. In practice we saw that the relative strength of the enforcement dimensions ensured that while not all conditions are being met, coffee-shop proprietors generally also comply with these regulations.

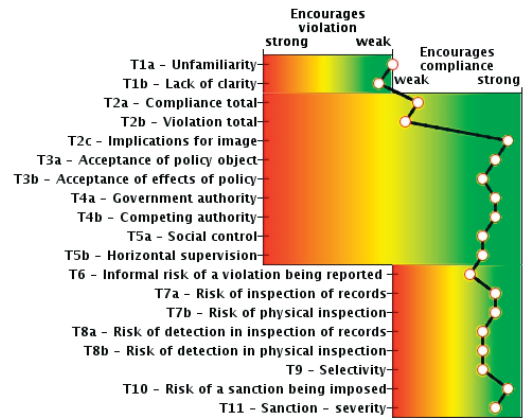
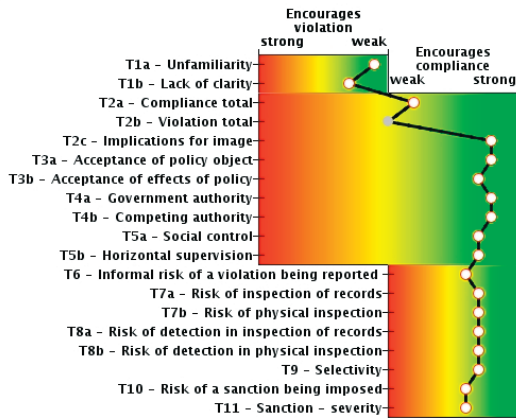
The figures show that in general the conditions for consequent compliance to regulations are being realised. For the hard drug regulation and the minimum age regulation 9 of the 11 dimensions have a generally compliance-inducing character. This is the case for 8 of the 11 dimensions for the disturbance and the five grams regulation. For the no-advertising and the stock regulation 7 of the 11 dimensions are compliance-inducing.

Figure 1 Compliance profiles



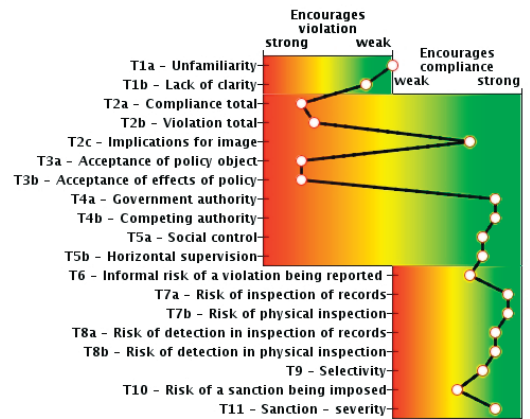
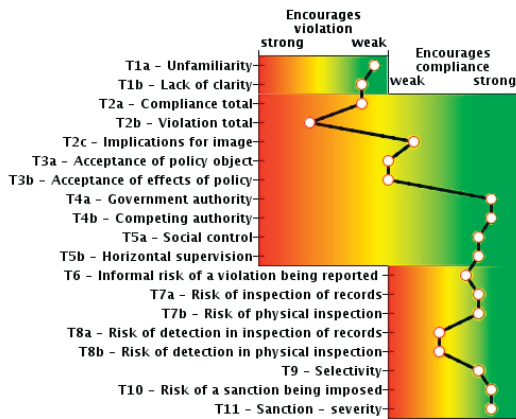
Advertising criterion

Hard drugs criterion



Disturbance criterion

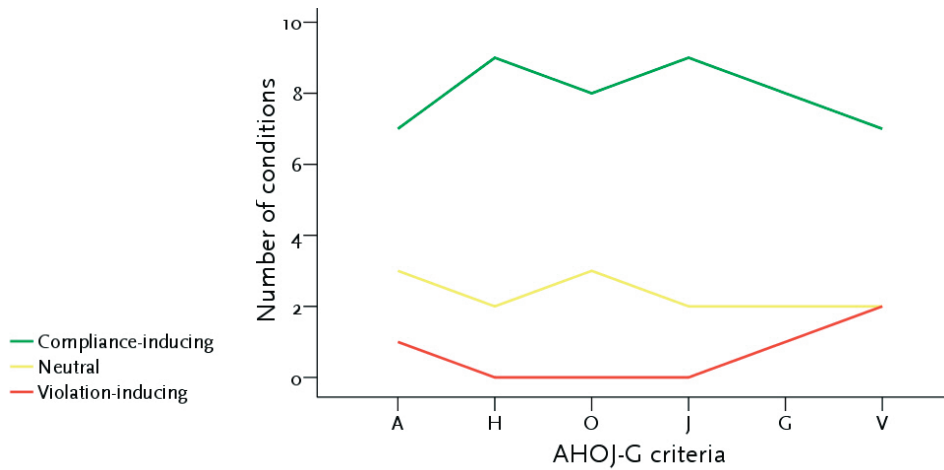
Minimum age criterion



5 grams criterion

stock criterion

Figure 2 Conditions realised per regulation



Which actions are undertaken to comply with criteria? Which priorities were established here?

Coffee-shop proprietors develop various methods to comply with the criteria. Excluding only the no-advertising regulation which requires no specific compliance activity on the part of the proprietor, all proprietors check that they are not violating the AHOJ-G criteria. They do this for example by checking customers' age and intervening in case of disturbance, loitering or littering by customers.

A substantial majority of coffee-shop proprietors (97%) actively communicate regulations to customers. This is done with posters and folders in the shop or personal communication by the proprietor or shop assistants with the customers.

Priorities

A large majority of coffee-shop proprietors indicate that all regulations have priority due to the severe sanctions imposed in case of violations. They are concerned with compliance to regulations and are active to avoid making violations. In practice most priority is given to compliance to the minimum age regulation (97%). A majority of coffee-shop proprietors (also) prioritize the hard drug regulation (68%), the disturbance regulation (65%), and the maximum stock regulation (63%). The five grams regulation (51%) and the no-advertising regulation (23%) have the lowest priority for the proprietors. Certain regulations are allocated low or no priority because they very rarely occur (hard drugs) or because compliance is self evident and therefore needing no priority (disturbance) or because they are not done at all (advertising).

Which experiences do local authorities, police, neighbours and coffee-shop proprietors have with regulation compliance and enforcement with regard to coffee-shops?

In general coffee-shop proprietors have positive relations with street-level police, the neighbourhood and clients. The coffee-shop proprietors are very positive about relations with both neighbours and police. A substantial majority (94%) see the relations with the neighbourhood as good to very good. The relation with street-level enforcement officers is seen as (very) good by the same number of licensees. The positive mutual understanding between

coffee-shop proprietors and police is confirmed by both street-level officers and police coordinators.

Approximately half of the local authorities have reached agreements or signed covenants with all involved parties (the proprietors, local government, police, prosecution, and sometimes the neighbourhood and tax departments).

Approximately 40% of the coffee-shop proprietors indicate that they occasionally receive complaints. Neighbourhood complaints generally involve experienced disturbances. Most complaints concern parking issues, excessive noise, loitering customers and littered streets. In a few instances there are complaints about presence of and sales to the under-aged. It may occur that under-aged persons ask passers-by to purchase cannabis for them. Street-level police officers also regularly receive complaints about the coffee-shop in their area, usually from neighbours and referring to loitering customers and parking problems.

Which enforcement activities have been deployed? Which priorities were distinguished?

With very few exceptions all coffee-shops were visited by police officers in 2007 according to the proprietors. An average of five controls per coffee-shop was held in 2007. One proprietor said to have been controlled about 20 times in 2007. This result is largely consistent with information given by police coordinators. The police coordinators of five municipalities however state that they carried out no control visits in 2007. It is possible that the periodic checks by street-level officers were not included in this count. Police coordinator information indicates that while an average of six controls was planned in 2007, an average of seven was actually conducted. These visits were conducted with an average of 4 officers (median 2). Most controls are without an advance warning. Only one local authority issued an advance warning of the coming control visit.

These visits usually follow one of two patterns. One is the regular visits by street-level officers, and the other often used approach involves a hit team or combined actions involving various institutions. The police are always involved in this type of visit accompanied by varying combinations of local authorities and tax, fraud, and social welfare department officers. Sometimes fire department-, customs- and/or immigration department officials are also involved.

The street-level police officers tend to follow slightly different priorities than the coffee-shop proprietors do; officers prioritize neighbourhood disturbances, followed by hard drugs and sales to under age customers. The maximum stock criterion is of equal priority for police and proprietors. Finally, while the coffee-shop proprietor sees the no-advertising regulation as of lowest priority, police officers attach lowest priority to enforcing the five grams per transaction criteria. Priorities for the police coordinators also lie with hard drugs, disturbance and sales to under aged customers, followed by maximum stock and the five gram regulation. The no-advertising regulation is lowest on the list of priorities.

How many violations occurred and which criteria were violated?

Results show that regulations are well complied with by coffee-shop proprietors, and this is supported by street-level police officers. Violations occur, however. Nearly half of coffee-shop proprietors admit to have violated the disturbance regulation in 2007 at some point. Also proprietors state that violation of the maximum stock regulation of 500 grams occurs with some regularity, 35% mention violating this regulation at some point. Violations

Authorities have applied sanctions in 11 of the 23 cases. In 3 cases police investigation is ongoing, and in 9 cases no sanction was applied. Of the 11 applied sanctions, 6 were warnings, 1 was a fine, 1 was community work and 3 coffee-shops were temporarily closed.

Are there topical changes in compliance and enforcement of coffee-shop criteria and in the application of coffee-shop policy by local authorities in 2007/2008?

In 2007 information from both coffee-shop proprietors and street-level officers show a reduction of violations compared to 2004. That applies to the advertising regulation, the hard drugs regulation, the minimum age regulation and the 5 grams regulation. For the other criteria we see no reduction of detected violations. For the disturbance criteria we mainly see an increase of parking issues compared to 2004. The other forms of disturbance (loitering, litter, noise) do show a decrease compared to 2004. Violations of the maximum stock regulation have remained constant since 2004.

Many coffee-shops are being confronted (or will be confronted) with the new regulation concerning proximity of coffee-shops to schools. Approximately half of the local authorities have introduced distance to schools criteria.

For 17% of local authorities the police coordinator for coffee-shops say the regulation does not apply and for the remaining local authorities the police coordinator does not know whether a distance to schools criteria has been established. At the time of research, a limited number of local authorities (10%) had established a distance to national borders criteria, one third of local authorities had not done this and for 47% of local authorities the police coordinator did not know.

In July 2008 non smoking legislation was introduced which is also applicable to coffee-shops. Coffee-shop proprietors say that they expect this will lead to an increase in disturbances around coffee-shops.

Conclusions

Results show that in practice the AHOJ-G regulations are generally being well complied with, on the one hand voluntarily and on the other under pressure from enforcement by local authorities. Especially the hard drug-, disturbance- and minimum age regulations are voluntarily being complied with by coffee-shop proprietors. They would comply with these regulations even if there were no enforcement by authorities. Concerning the no advertising regulation, the five grams regulation and especially the maximum stock regulation the acceptance of policy and acceptance of consequences of this policy is substantially lower, and the regulations are largely complied with under pressure of enforcement. For all the AHOJ-G regulations, a strong compliance-inducing character is achieved by the enforcement dimensions of the 'Table of Eleven'. Coffee-shop proprietors view the chance of non-compliance being reported, detected, controlled and sanctioned as large and sanctions are perceived as severe. To further enhance compliance to regulations the expansion of enforcement activities does not appear advisable, as margins here are minimal. Possibilities for compliance enhancement should especially be sought in the dimension of voluntary compliance.

In general, the AHOJ-G regulations are not being deliberately violated. Deliberate violations of the maximum stock regulation are made by some coffee-shop proprietors, but here also the majority of proprietors are deterred by the chances of detection and the severity of sanctions applied to them for violations.

The research shows that coffee-shop proprietors often exert themselves to comply with regulations and avoid sanctions. It is in the proprietors' best interests to remain open to business and avoid unnecessary risks. Whether or not the coffee-shop proprietors agree or disagree with certain regulations is not the issue here, as the proprietors will go to considerable lengths to adapt to measures implemented by the authorities. This shows that the coffee-shop regulations are well manageable.

While intentions to comply are high among coffee-shop proprietors, consistent with the compliance profiles, in practice regulations are being violated by some of the coffee-shops. Almost half of the coffee-shop proprietors admit to occasional violations of the disturbance regulation in 2007, mostly the maximum stock regulation or the minimum age regulation. The 'Table of Eleven' displays inadequacies here because third parties (in this case: visitors) not complying with regulations, against the wishes and/or beyond the control of coffee-shop proprietors, have not been included as a factor.

A reduction of the rates of inadvertent violations could be achieved by intensifying co-operation between local authorities and coffee-shop proprietors. Proprietors co-operating with street-level officers could more effectively deal with problematic visitors, under age customers or customers in possession of hard drugs. A customer in possession of, using or dealing in hard drugs would then not only be refused admittance but also be reported to police, just as an under age customer slipping in or attempting to purchase cannabis with false identity papers.

As there are still misconceptions about the interpretation of regulations it is recommended to clarify these for both coffee-shop proprietors and the enforcement authorities. This could be achieved by improved information, attention for explanations during control visits, seeking new court decisions, or by setting up internet information sites with FAQs.

With regards to the advertising regulation it remains unclear what exactly should be interpreted as a violation. For example, one coffee-shop proprietor had cigarette lighters labelled with name and address stickers. This was officially seen as a violation. Unclear also is the use of menu's and whether these are only acceptable if not visible outside the premises. Illustrations such as a cannabis leaf on a shop window are accepted in some areas but not in others.

That the use and sale of hard drugs is not permitted is clear but there are interpretation issues. Unclear is to what extent the possession of hard drugs by a customer is to be seen as an offence by the coffee-shop proprietor. Coffee-shop proprietors do not have the legal authority to search all customers.

The disturbance regulation also is not completely clear yet. Questions do not so much relate to the subjectivity of the concept of disturbance but more with the extent of the activities to be deployed by the proprietor to control and reduce disturbances. Loitering customers and parking offenses in the direct vicinity of the coffee-shop are seen as a responsibility of the proprietor. Disturbances caused further down the street are often not seen as such. In other words, it is often difficult to ascertain whether disturbances are actually caused by coffee-shop customers.

Regarding the minimum age regulation one interpretation issue was uncovered. Here again is clear that young people under 18 years of age may not

enter the premises or purchase cannabis. Problems arise when an under age customer asks someone outside to enter the coffee-shop and purchase cannabis on his/her behalf. Is this a violation on the part of the coffee-shop proprietors or on the part of the person purchasing cannabis for a minor, or on the part of the under age customer? Coffee-shop proprietors also note that some under age customers will attempt to purchase cannabis using false identity papers.

In itself the five gram transaction regulation is clear but it may be problematic for the coffee-shop proprietor to know whether a customer has been in more often in the day to purchase the maximum of five grams.

Finally, the maximum stock regulation also gives rise to a interpretation issue. There can be no doubt about the amount of 500 grams but the aspect of location is problematic. Does it mean a maximum of 500 grams permitted in the coffee-shop premises, or in the immediate area, for example a car or neighbouring building?

To enhance acceptance of policy goals as well as acceptance of practical consequences of the policy various enforcement strategies or intervention modalities can be introduced or intensified. Understanding of policy goals and policy making can be boosted by communication about risks with the coffee-shop proprietors or by increasing transparency of the decision-making process by policy makers. Participation in the policy making process by the user group can also lead to a greater acceptance of the regulations. Finally, acceptance of policy can be strengthened by developing commitment to it. Voluntary compliance with the regulations can also be strengthened by encouraging forms of horizontal control such as membership of trade or sector organisations or by creating a sanctions mechanism for the sector enabling coffee-shop proprietors to include and/or exclude colleagues. An intervention modality can also consist of well made agreements with the user group and/or protocols and behaviour codes. Introduction of enforcement instruments such as certification and quality registration can further enhance voluntary compliance with regulations.