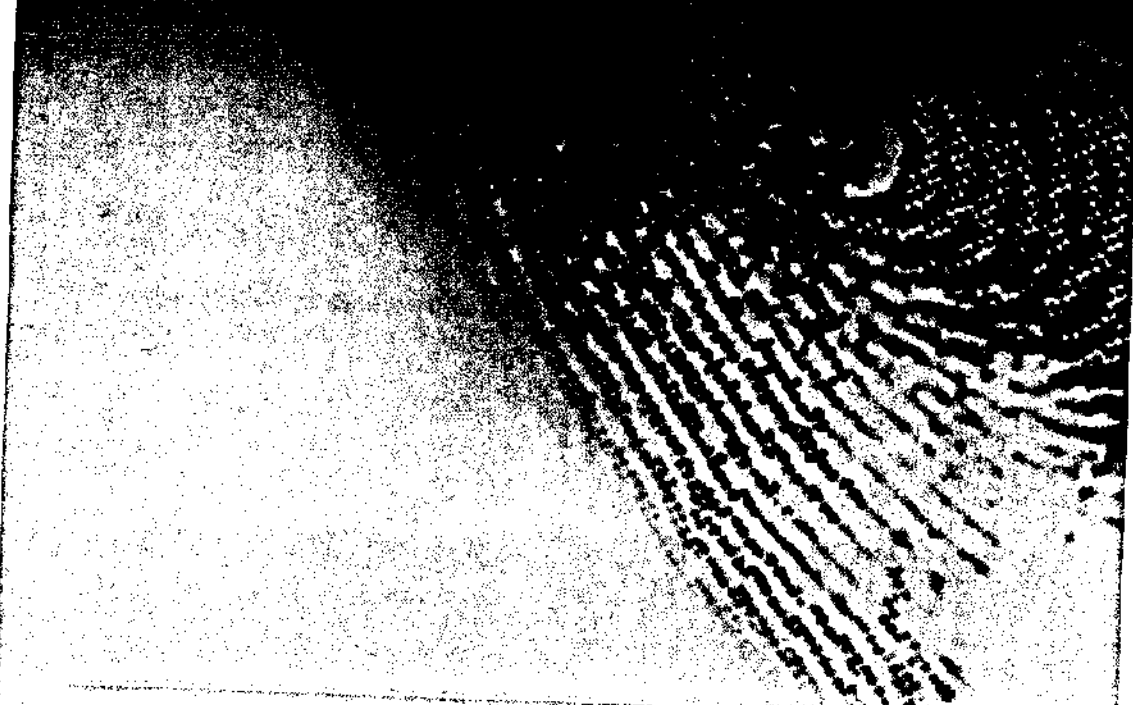




# Problem Solving Policing

## Cannabis Cafés



**Crime Reduction Unit Operational Guide**  
Providing Consultancy to the Force

## Forward

'Problem Solving Policing' - Cannabis Cafés: an Operational Guide; has been produced by the Force Crime Reduction Unit and is the first in a series of guides that will offer a wide variety of practical solutions to operational officers.

The guides will summarise knowledge about how you can reduce harm caused by specific crime and disorder problems in your Neighbourhood, and is based on the Problem Solving approach using the SARA process and National Intelligence Model of policing.

While not all of the responses outlined may be appropriate to your particular problem, they should help give you a broader view of the actions that could be taken.

All the options outlined in this guide are for consideration when dealing with premises that are operating as a cannabis café.

This guide has been subjected to the compliance test on the European Convention on Human Rights and has been approved by the Force Solicitor. The guide will be updated, as circumstances change, and we would welcome your views on how it could be improved.

It should be noted that no regional agreement has been reached with any statutory bodies, therefore, any joint action proposed must be negotiated with our partners, such as Environmental Health, Fire Service etc on a local level.

All actions undertaken must comply with present legislation and current case law in relation to evidence gathering and execution of any warrants. It must also comply with the Human Rights Act 2000 and the Regulation of Investigatory Powers Act 2000.

Chief Inspector Dave Labdon  
*Force Crime Reduction Unit*



## Acknowledgments

The Problem Solving Policing series is a collaborative effort. While each guide has an author, other members of the Merseyside Police Crime Reduction Department have assisted in the formulation of the guide through team meetings, proof reading, recommending policing options and offering suggestions on matters relating to the style and format of the booklet. In particular Detective Chief Inspector Labdon has provided valuable advice and guidance to ensure the guide was produced.

Acknowledgement is made towards the contribution of Sergeant Pete Townson, St Anne Street Police Station for his work in identifying the potential threat and emergence of cannabis cafés on Merseyside and in Liverpool in particular. Detective Sergeant Alan Rose and Dave Pester, Greater Manchester Police for their contribution in light of their experiences in policing the café in Stockport.

In understanding the Dutch model of policing cannabis cafés invaluable assistance has been given by Ton Snip of the Zaansteek, Waterland Division of the Dutch Police Force and his colleagues throughout the region.

The author of the guide, Detective Sergeant Bernie Jones, has 24 years service in Merseyside Police and has gained experience in a variety of roles including two and a half years in the Liverpool City Plain Clothes Department which had responsibility for policing the pubs and night clubs. The last four years has been spent as the Force Drug Support Team Co-ordinator; acting as a focal point for the development of partnership work with local agencies and members of the Force on drug related issues.

We would also like to acknowledge the assistance of the Community Orientated Policing Services (COPS) in the US department of Justice.

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## The Problem of Cannabis Cafés (Scan)

### Reclassification of Cannabis

The Home Secretary and the Government have made the tackling of Class 'A' drugs, heroin, cocaine, crack cocaine, their priority due to the harm it causes to individuals, families and communities.

In light of this priority and following a report from the Advisory Council on the Misuse of Drugs and the Home Affairs Committee the Home Secretary has proposed that cannabis be reclassified from a Class B drug to a Class C.

Dependent on Parliamentary time it is anticipated that it may become law by July 2003. However advice has been received from the Home Office asking that policing practices be put into place as soon as possible. The advice note also specifically mentioned cannabis cafés, reiterated the illegality of such premises and that the Home Secretary would expect a swift and effective response to any attempt to open such an establishment.

### Cannabis Cafés

Due to the ongoing debate about legalising drug use especially cannabis, much reference is made, in the media and in public forums, to the policing system in the Netherlands where a 'tolerance policy' towards cannabis use has evolved. Although the possession and supply of cannabis remains illegal in the Netherlands a set of guidelines has been produced by their Attorney General

that allows licensed coffee shops to sell and the premises to be used to consume cannabis.

Individual Local Authorities are responsible for imposing certain conditions on the licence holder which are generally that the premises cannot advertise as a cannabis café. No person under 18 may enter or buy from the premises, no alcohol is available and that there may only be a set amount of cannabis on the premises at any one time.

This is a well-publicised policy and due to the ease of travel there are many 'drug tourists' who visit Amsterdam and have first hand knowledge of the Dutch 'tolerance policy'. Accordingly there is a body of opinion, amongst cannabis users, both within the UK and the wider European Union that cannabis use should be either legalised or tolerated. This has resulted in a body of political activists exchanging views at a variety of forums including the Internet. The most prominent site in use is called. The Dutch Experience, which provides a focal point for comment and political activity towards the legal use of cannabis cafés in the UK.

This has resulted in 2 cannabis cafés attempting to operate in England. The first café opened in Stockport, Greater Manchester, the second café opened in Bournemouth, Dorset. Both have been the subject of police enforcement tactics with the Stockport café having been raided and closed on three occasions. The Bournemouth café has been raided and closed on at least one occasion. The Stockport café is the most high profile and supported by a variety of people including Members of the European Parliament. The owner of the café, Colin Davies, was arrested, tried and convicted for allowing premises to be used, supplying, possession with intent to supply and importation of cannabis. He was sentenced to 3 years imprisonment but the success of this police operation will not completely deter other café owners from challenging the legal system on this issue.

A number of sites have been advertised as opening in the near future including a venue in Liverpool, Rhyl, Milton Keynes and Edinburgh.

## **Understanding the Local Problem (Analysis)**

### **Cannabis Cafés and Merseyside**

Notwithstanding the Home Secretary's view on the illegality of cannabis cafés, the use of premises to buy, sell or use cannabis can attract other nuisance and anti-social behaviour that diminishes the residents' quality of life.

Problems such as loitering; dropping litter; parking problems; unwanted additional foot, car and bicycle traffic; graffiti (supporting cannabis use and cafés); young people attempting to gain entry or persuade an adult to buy cannabis for them, open drug markets becoming established and selling Class A drugs are all real and relevant problems that the police and community would face.

To alleviate these sort of problems it is essential that a cannabis café is prevented from opening or is successfully policed, closed and prosecuted if one does open.

### **Partnerships and Communities**

The Government's 10 year strategy published in 1998, 'Tackling Drugs Together to Build A Better Britain' established a forum for a range of agencies to work together to address drug misuse within their communities. Merseyside has 5



Drug Action Teams/Drug and Alcohol Action Teams (DAT/DAAT), namely Liverpool, Sefton, Knowsley, St Helens and the Wirral. Each DAT/DAAT produce annual plans on how they will tackle drug misuse. The advent of the Crime and Disorder Reduction Partnerships which put the responsibility for partnership working on crime and disorder issues on a statutory basis saw the alignment of the DAT/DAAT with the local CDRP's. In the future it is hoped that these 2 groups will merge together.

It is important to understand the role they are playing in reducing drug misuse and to utilise the expertise and contacts established within these partnerships when devising a strategy to combat the use of premises as a cannabis cafe".

Similarly the introduction of Neighbourhood Policing in Merseyside has provided Area Inspectors with the responsibility and opportunity of working closely within a designated council ward area. This has resulted in increased working relationships with local Resident Associations, Housing Associations, School Headteachers, Neighbourhood Watch and Victim Support organisations. All such alliances should be considered when adopting the SARA methodology in tackling the issue of a cannabis cafe. Far better for the problem to be dealt with as a partnership approach with good local and civic support then left solely as a police issue and responsibility.

### **Present Tactic by Café Owners**

The proponents of cannabis cafés promote their premises as providing a safe and comfortable environment to use cannabis. They seek to legitimise their actions by



making reference to medicinal use, non-profit making and educating and stimulating debate about cannabis use. The following are some of the restrictions placed on prospective users of the cafés:-

- Members only
- Membership fee
- 18 and over
- Fingerprint ID
- No alcohol
- No cannabis to be SOLD on the premises.

This tactic appears to be employed to prevent evidence of sale and supply of cannabis being used against any owner/occupier or manager of the premises. If such evidence is not forthcoming then a prosecution for a Section 8 offence of allowing premises to be used to consume cannabis could be considered.

### **Sale and Supply of Cannabis**

Section 4(3) of the Misuse of Drugs Act 1971 makes it an offence to 'unlawfully supply a controlled drug to another, be concerned in or so supplying it, or be concerned in making an offer to supply'.

The tactic of a member's only café will provide difficulties for police officers faced with gathering evidence of a Section 4 offence. Rather than discard this option entirely it may be worth considering the use of covert surveillance techniques subject to permission being granted through present authorisation procedures. Issues concerning the commission of a Section 4 offence are discussed at length in the enforcement section of the guide.



### **Section 8 Misuse of Drugs Act 1971**

Given the manner in which cannabis cafés are presently being advertised with the emphasis on providing a safe environment for users to visit and consume their own cannabis a prosecution for a Section 8 offence may be the most appropriate option. In gathering evidence for this offence an explanation of the offence and relevant stated case law is offered: -

A person commits a Section 8 offence if 'being the occupier, or concerned in the management, of any premises, he knowingly permits or suffers' any of the following activities to take place on those premises: -

- Unlawfully producing or attempting to produce a controlled drug.
- Unlawfully supplying or attempting to supply a controlled drug to another or offering to supply a controlled drug to another.
- Preparing opium for smoking.
- Administering or using a controlled drug which is unlawfully in any person's possession at or immediately before the time when it is administered or used.

The last point relate's specifically to cannabis and opium but has been amended by Section 38 of the Criminal Justice and Police Act 2001 which received Royal Assent on 11 May 2002. The amendment took place to give the police powers to act against premises allowing the use of ANY drug, especially crack/cocaine.



The Home Office are presently engaged in a public consultation exercise prior to the issue of guidance notes concerning the prosecution of offenders for a Section 8 offence. The Guidance notes concern agencies and parents of drug users who are working towards reducing drug use and abstinence.

*The guidance notes will not afford protection to owners/managers of cannabis cafe's.*

- 'Occupier' is better understood by reference to R v Tao (1976) (All ER 1965) which extended the term 'occupier' beyond the terms of ownership and exclusive control to include owner-occupiers by way of a mortgage, those who rent premises and those who have a licence entitling them to exclude from the premises persons who might offend under this section.
- 'Concerned in the management' this refers not to management of the premises, *but management of the activities carried on within the premises* R v Josephs and Christie (1977) (65CR App R253).
- 'Knowingly permits or suffers' covers a whole spectrum of conduct, which includes (a) actual knowledge of what was taking place, (b) wilful blindness by shutting ones eyes to the obvious and (c) recklessness.

Therefore if a person opens a café and allows patrons to attend and use cannabis then an offence against Section 8 will have been committed.

## Policing Options (Response)

### Prevention

A cannabis café will impact on all levels of the community. It is therefore essential to present any opposition to the opening of such a café on a local partnership level which should involve the following: -

- Local Authority Planning Committee
- Be Streetsafe Campaign
- Local Councillors
- Local charitable agencies such as Parents Against Drug Abuse (PADA)
- Local DAAT/DAT
- Local Residents Associations
- Local Education Authority
- Local Media
- Local religious leaders

The above list is not exclusive and can be added to as appropriate. *In the first instance a protocol should be arranged between the Local Planning Office and the Local Authority Liaison Officer whereby any proposed 'coffee shop', or similar venture identified by the applicant, is brought to the attention of the police and other interested parties to enable early action and objections to be made.*

Early communication should be made to the local community through Residents Associations, City Councilors and other relevant partners about the proposed use of premises as a cannabis café.

Their views and opposition should be noted and an action plan agreed upon which demonstrates a partnership approach to the opposition of the use of premises as a cannabis café.

### **Crime and Disorder Act 1998**

The Crime and Disorder Act 1998, makes provision for the prevention of crime and disorder. Section 1 relates to Anti-Social Behaviour Orders (ASBO's) and Section 17 relates to Local Strategies for Reducing Crime and Disorder.

### **Local Strategies for Preventing Crime and Disorder**

Section 17 of the Crime and Disorder Act 1998 imposes a duty on Local Authorities to give due regard, when exercising its various functions, to do all it reasonably can to prevent, crime and disorder in its area. There are 5 police Local Authority Liaison Officers (LALO's) who work closely with the Local Authority in designing joint action plans to prevent crime and disorder. Their advice and assistance should be sought out when considering action being taken under the authority of the Crime and Disorder Act.

Accordingly should premises be found either in a residential or non-residential area, such as a disused warehouse on the dock road then Section 17 of the Crime and Disorder Act 1998 should be considered in presenting any objections to a planning application. *This will allow objections to be made in respect of the illegal activity and associated anti-social behaviour. Consideration could also be given to objecting to the grant on the grounds that patrons will travel by car or*

*motor cycle and use cannabis on the premises. They will then use their vehicles to travel away from the premises with the likelihood that they will be driving under the influence of drink or drugs.*

Should these measures fail and a cannabis café did open in the Merseyside area then consideration needs to be given to the tactics employed by the owner/managers of such premises and the evidence gathering needed to secure a conviction at court for a Misuse of Drugs Act offence.

### **Enforcement**

If all efforts to prevent the use of premises as a cannabis café fail then due consideration will need to be given to the enforcement of the Misuse of Drugs Act 1971 regulations. All offences likely to be committed from importation of a controlled drug to simple possession will need to be considered. To ensure that the best evidence available is secured and presented to the Crown Prosecution Service (CPS) and the courts a range of information gathering techniques will need to be employed.

Given that the activities within the cannabis café will amount to a closed drug market, ie overt observations unable to be undertaken, then other covert surveillance techniques aligned to planned stop/checks of suspects and vehicles may have to be employed prior to the application for a search warrant before a Magistrate.

When considering surveillance techniques consider liaison with the Force Intelligence Security Bureau who have a Dedicated Surveillance Unit, Tactical Support Unit and Intrusive Surveillance Unit. They can provide valuable advice



and expertise prior to the commencement of any surveillance operation.

The following outlines a menu of options towards evidence gathering prior to the application for a drug search warrant:-

- The placing of covert CCTV surveillance devices inside the premises subject to usual authorisation procedures. (RIPA Act 2000)
- Telephone eavesdropping subject to usual authorisation procedures. (RIPA Act 2000)
- Enquiries to establish where the owner/occupier or manager of the premises holds a bank account. Enquiries with banking establishment to establish if large quantities of cash/cheque deposits are being made. (Liaison with Merseyside Police FIU)
- Stop/check Of Keyholder on arrival to open premises with a view to search under MDA 1971 of person and/or vehicle with a view to disclose possession with intent to supply offences within legal stop/search procedures.

It is important to undertake as much preparatory work as possible to identify offenders, type of offence committed and gather intelligence towards the planning and execution Of a drug raid on the premises. Not all of the options listed may be applicable or possible to undertake but should be considered carefully as part of the problem solving approach.

## Execution of a Drug Search Warrant

### Section 23 Misuse of Drugs Act 1971

Section 23 provides the power for a police officer to:-

- Enter the premises named in the warrant (using force if necessary).
- Search the premises and anyone found in them.
- Seize and retain any drugs or documents.

Provided that there are reasonable grounds for suspecting either or both of the following conditions apply:-

- An offence has been committed relating to controlled drugs present on the premises or in the possession of anyone found in them.
- Any document in possession of a person on the premises is related, or connected, to an actual or intended, unlawful transaction or dealing in drugs (whether in the UK or elsewhere).

The execution of a drug search warrant must be carefully planned and an operational order produced prior to the police action taking place. The usual risk assessment and health and safety issues must be considered, ie number of exits, entrances to premises, likely number of persons to be present during raid etc. Advice on up to date tactics employed by patrons of the café can be obtained from the Force Crime Reduction Unit. Consider possibility of media

presence and/or subsequent interest. It may be prudent to have an agreed press release lodged at the Force press office prior to the commencement of the police raid.

## Unlawful Supply

### Section 4 (3) Misuse of Drugs 1971

It is an offence to:-

- Unlawfully supply a controlled drug to another; be concerned in so supplying it; or offer to supply it, or be concerned in making an offer to supply it.

For the purposes of the Misuse of Drugs Act legislation 'supply' includes distribution. If a person attends at the café and distributes cannabis to friends and fellow patrons, providing it is done to benefit those receiving the drug, ie they will consume the drug, then this is held to be a supply offence.

'Being concerned in the supply' involves a degree of identifiable participation. Collecting cannabis from a nearby 'stash' Or 'safe house' and delivering it to the café.

An 'offer to supply' is completed **when the offer is made** rather than when any subsequent transaction takes place.

Dependant on the ability to gather evidence prior to the raid and the quality of the evidence obtained an offence under Section 4 may be brought against the owner/manager or patron(s) of the café.

When executing a drug warrant at the premises the seizure of the following may assist in securing a conviction for a **Section 4 offence**:-

- Seizure of any scales likely to have been used to weigh cannabis prior to sale.
- Seizure of any cash amounts from the premises especially any designated counter/serving area.
- Seizure of any till receipts or account books, if kept.
- Interviews of person's arrested/reported for possession offences. Any admission that the cannabis was bought on the premises and from whom.
- Seizure of any literature promoting the 'sharing' or 'exchanging' of cannabis which may be found on the premises.
- Search and seizure of large cash amounts from patrons suspected of having committed a supply offence.

### Section 8 Misuse of Drugs Act 1971

As discussed previously a person commits a Section 8 offence if 'being the occupier, or concerned in the management, of any premises, he knowingly permits or suffers' any of the following activities to take place on those premises:-

- Unlawfully producing or attempting to produce a controlled drug.
- Unlawfully supplying or attempting to supply a controlled drug to another or offering to supply a controlled drug to another.



- Preparing opium for smoking.
- Administering or using a controlled drug which is unlawfully in any person's possession at or immediately before the time when it is administered or used.

The last point relates to the use of **any** drug on premises and is likely to be the most effective charge that can be brought against the owner/manager of a cannabis café. In gathering evidence for a prosecution for a **Section 8 offence** it is vitally important to establish who the owner and or manager of the premises is when the offence is being committed. Accordingly the following actions should be considered:-

- Enquiries with Local Authority estates office to establish if the property is rented or leasehold.
- Enquiries with Local Authority council tax and rent offices to establish if accounts are being paid and by whom.
- If premises have an Automatic Alarm system installed enquiries to establish Keyholder.
- Observation's being kept on the premises to establish the Keyholder.

If enquiries with statutory bodies and public utilities are to be undertaken then they should be conducted through a nominated point of contact within your policing area. If there is no nominated contact or you are unsure who it may be then contact should be made via the Force ISB. **On no account should you attempt to contact the Local Authority**

#### or **Public utility companies directly.**

As with all offences committed under the Misuse of Drugs Act it is important to ensure that the best evidence available is secured and presented to the Crown Prosecution Service (CPS) and the courts. Once again a range of information gathering techniques will need to be employed.

Given that the activities within the cannabis café will amount to a closed drug market, ie overt observations unable to be undertaken, then other covert surveillance techniques aligned to planned stop/checks of suspects and vehicles may have to be employed prior to the application for a search warrant before a Magistrate.

When considering surveillance techniques consider liaison with the Force Intelligence Security Bureau who have a Dedicated Surveillance Unit, Tactical Support Unit and Intrusive Surveillance Unit. They can provide valuable advice and expertise prior to the commencement of any surveillance operation.

The following outlines a menu of options for evidence gathering towards the disclosure of Misuse of Drugs Act offences and Section 8 offences in particular: -

- The placing of covert CCTV surveillance devices inside the premises subject to usual authorisation procedures.
- Stop search of patrons calling at the premises with a view to identifying possession offences, arrest and interview to establish both possession offence and reason for calling at the premises, ie to use/buy cannabis.

- *Stcv search* patrons with a view to gathering other intelligence such as areas they are travelling from, whether linked to other Dutch Experience activists and view membership card, if any, of premises they are attending.
- Spot check at premises conducted by a police officer to establish if cannabis is being used and who is in charge of premises at that time.
- Execute drugs search warrant at premises. Look to arrest for Section 8 offence and also consider arrest of any persons found in possession of cannabis. Ensure other offences are considered such as abstracting electricity.
- Video/photograph the scene after the raid looking to highlight the use of the premises at any future court hearing. Evidence of drug use such as 'roach ends' in ashtrays and on the floor, drug paraphernalia, any corresponding literature that may be found on the premises should be seized.

### Possession of Controlled Drug Offences

In gathering evidence for and during the execution of a drug search warrant, under the MDA 1971, offences of simple *possession of controlled drugs may be disclosed. The* offenders may be dealt with according to National and Local procedures enabling a range of options from arrest, caution and formal warning to be used.

The Force Adult Caution Policy for drug offences is presently governed by Home Office Circular 18/1994 and provides that an adult may receive the benefit of a police caution if>

- The offender is arrested for possession of a controlled drug only and no that charges are to be laid out of the same set of circumstances.
- The person must not have been recently cautioned (within last 3 years) or prosecuted for a drugs related offence.
- A further caution may be considered if there has been a sufficient lapse of time since the first caution, which suggests it has had some effect.
- The evidence complies with the Attorney-Generals Guidelines on criteria for prosecution ie admits offence, small amount for personal use.

Difficulties sometime arise over what is a personal use amount. The advice is that it should be sufficient for immediate use and likely to make no more than 5 'spliff type cigarettes. This will be approximately 1 gram in weight.

If an offender has a large piece of cannabis and offers the explanation that it is 3 months' supply then it will be inappropriate to caution.

Given that the patrons of the café want to challenge the present system surrounding the use of cannabis it may be the case that they refuse to accept a caution *and* will have to be charged w'th the *offenue of possession of a controlled drug and* bailed to a court. In these circumstances consider setting a single court date for all offenders so that the court are fully conversant with the action taken. Close with the CPS will need to be maintained.

Due to the proposed reclassification of cannabis it is intended to have a nationally approved method of dealing with simple possession offences by way of issuing a Formal Warning. The detail of this procedure is still being worked through and subject to further consultation. Advice on this issue can be given by the Force Crime Reduction Unit.

### **Proceeds of Crime Bill**

The Proceeds of Crime Bill is designed to recover assets derived from the proceeds of crime. At the time of writing the Bill is with the House of Lords and has not yet received Royal Assent. There is wide Parliamentary support for the Bill and it is likely to become law by 2003. The POC Act will: -

- Establish an Asset Recovery Agency (ARA) with the function of investigating and securing criminal assets.
- Introduce a civil recovery scheme to recover the proceeds of crime in cases where a criminal prosecution cannot be brought for whatever reason.
- Give the Director of the ARA the power to tax an individual, company or partnership where income, profit or gain is suspected of being derived from crime.
- Replace and strengthen the legislation and investigation powers, restraint and confiscation procedures and money laundering offences.

This Act, when made law will, provide a powerful tool towards the disruption and closure of a cannabis café and should be carefully considered along with the other available responses.

## **Disruption Tactics**

### **Prevention of Continued Trading**

Once the premises have been raided and any person(s) arrested or reported for Misuse of Drugs Act offences it is important to take all necessary steps to prevent the café re-opening. Positive action to ensure the premises remain closed will send a clear message to the clientele of the cannabis café and reassure the wider community. The following points of action should be considered: -

- Use of Local Authority/police partnership operation to disclose anti-social behaviour such as youths loitering, increase in foot, vehicle traffic, graffiti, noise etc with a view to imposing an ASBO on the owner/manager of premises directing that the premises be closed.
- Imposition of bail conditions directing owner/occupier/manager and patrons of café not to attend the premises.

If the premises re-open after a drug raid and a tactic of civil disobedience is embarked upon by supporters of the cannabis café then the following disruption tactics may be employed: -

- Consideration to stop/checks on patrons of the café both on arrival and leaving the premises with a view to disclosing possession offences and gathering intelligence.

- Stop/checks on vehicles attending the premises with a view to disclosing RTA offences, warrant and disqualified driver checks.
- Regular visits by Local Authority Environmental Health officers with a view to disclosing health and safety or food and hygiene offences.
- Visit by Fire Service with a view to disclosing fire safety regulation offences.

All the above tactics can be used to assist in closing either temporarily or permanently plus additional penalties that a court may impose for breaching specific regulations.

### Anti-Social Behaviour Orders

Anti-Social Behaviour Orders (ASBOs) were introduced on 1 April 1999. Their purpose is to *target activities* which disrupt the lives of individuals, families or communities. They are not intended to replace existing measures or responses to criminal activity. The Force works closely with partner agencies to have agreed action plans when dealing with an instance of crime and disorder. Once the action plan has been developed to combat an activity then an application can be made for an ASBO.

An application for an ASBO against the owner/occupier or manager of cannabis café could therefore be seen as a legitimate and effective way of closing down the premises.

All five Local Authorities within Merseyside have a nominated Police liaison officer (LALO). Contact should be made with the

relevant LALO if the process of applying for an ASBO is to be pursued.

### Evaluation

It is important to know what works when dealing with the issues surrounding the opening and use of a premises as a cannabis café as it is an issue that is likely to remain within the policing area for the foreseeable future.

The Merseyside Police Crime Reduction Unit acts in a consultancy role and will disseminate best practice on dealing with cannabis cafés. Any action taken against cannabis cafes must be relayed back to the CRU, which will act as a central collation point for the Force on all related issues. The Unit can then evaluate activities in order to promote continuous improvement.

### Summary of Responses when dealing with a Cannabis Café

The following table summarises the responses to the proposed use and trading of premises as a cannabis café. It details the method by which they are intended to work, the conditions under which they ought to work best, and some factors that should be considered before implementing a particular response.

As the advent of cannabis cafés is a new challenge to policing there are no evaluations available as to what would be the

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Response No	Response	How it Works	Works Best If...	Considerations
1 <b>Prevention</b> Prevention of premises opening as a cannabis café.	Establish early warning system.	Agreed protocol between Local Authority and Local Police Liaison Officer re: Proposed 'Coffee Shops' applying for planning permission.	Clear lines of communication are established and maintained.	Seek support of local residents associations and councillors in opposing grant of planning permission.
2 <b>Prevention</b> Monitor Internet.	Daily check of cannabis café Internet sites.	Nominated police/civilian officer to review Internet	Named person is responsible for continued research. Input from other agencies.	Crime Reduction Unit (Drug Support Team) to monitor and report on possible venues and tactics to be employed by 'coffee shop' devotees.
3 <b>Prevention</b> Seek partnership response.	Agree joint agency action.	Agree action plan with DAT/DAATs Local Authority and any other affected parties.	Unified agreed approach is made by a range of agencies supporting police action.	Use of local residents associations/religious and education leaders to pro-actively assist in disruption tactics.
4 <b>Prevention</b> Seek media support.	Positive media reporting of action taken to close down and discourage use of cannabis cafés.	Seek support of local newspaper and radio editors to promote partnership response in a positive manner.	All sections of the media give positive support to the police and their partners.	Short impactive campaigns highlighting the dangers of drug use and the impactive nature on other crime and anti-social offences that such a cafe would bring.

Response No	Response	How it Works	Works Best If...	Considerations
5 <b>Enforcement</b> Identify Misuse of Drugs Act offences inside premises.	Static observations inside premises.	Obtain authority to use static covert surveillance equipment within premises.	Installed prior to opening of premises.	Liaise with ISB over installation of covert equipment.
6 <b>Enforcement</b> Identify Misuse of Drugs Act offences inside premises.	Telephone eavesdropping.	Obtain relevant authority to have a phone tap on premises.	Obtained and used prior to premises opening.	Liaise with ISB over authority and logistics of telephone eavesdropping.
7 <b>Enforcement</b> Identify source of income of owner/ occupier or manager of café.	Identify income from supply/sale of cannabis.	Identify bank/building society where money from operation of cannabis café is deposited.	Evidence is obtained of sale/supply of cannabis at café.	liaison with Income Tax and Customs and Excise Departments.
8 <b>Enforcement</b> Identify owner/occupier of premises.	Enquiry with Local Authority Estates Office.	Establish if premises are rented or leasehold.	Name and address of leaseholder or tenant is obtained.	Enquire's with other Local Authority offices such as council tax.
9 <b>Enforcement</b> Identify owner/occupier of premises.	Enquiry with utility companies via IS8.	Establish if accounts are held and paid in respect of electricity, gas and water.	Name and address of current account holder is obtained, relevant and correct	Discuss legality with relevant companies of having supply disconnected due to illegal activity taking place.

Response No	Response	How it Works	Works Best If...	Considerations
10 <b>Enforcement</b> Identify owner/occupier of premises.	Establish if Automatic Alarm is fitted.	Enquiry with police Alarms Section to identify if registered.	Name and address of Keyholder is recorded and is correct	Enquiry may be made to establish if Alarm system is registered with a private company. Details of Keyholder will be held with company.
11 <b>Enforcement</b> Identify Keyholder and/or manager of premises.	Static observations on premises.	Use of static OP prior to opening and at conclusion of the days business.	All evidence gathering is done in accord with current legislation and stated case law.	Use of other agency CCTV if sited near to premises. External Installation of police CCTV. Use of HV Streetsafe CCTV vehicles.
12 <b>Enforcement</b> Stop/check of Keyholder.	Stop/check under Misuse of Drugs Act 1971 upon arrival at café.	Seek to disclose offence of possession of a controlled drug with intent to supply.	Surveillance is conducted to establish possession prior to arrival at café.	Resource implication of surveillance team. Ensure all statutory obligations are met in relation to evidence gathering.
13 <b>Enforcement</b> Identify Misuse of Drugs Act offences inside premises.	Static observations inside premises.	Obtain authority to use static covert surveillance equipment within premises.	Installed prior to opening of premises.	Use of public utility company to assist in installation of equipment eg telephone, electricity. Use of level 2 operative to become a private member and carry out static jobs.



	Response No	Response	How it Works	Works Best ff...	Considerations
	14	<b>Enforcement</b> Identify Misuse of Drugs Act offences inside premises.	Police officer to enter premise during business hours.	PC to enter under authority of reasonable suspicion that an offence is being committed and discloses drug offences.	Part of a planned operation.  Use of other agencies and media strategy.
	15	<b>Enforcement</b> Identify Misuse of Drugs Act offences outside premises.	Stop/search of patrons arriving at the café with a view to disclosing POCD offence.	Stop/search under MDA powers.	Planned and ongoing policing operation.  Use of stop/search to gather intelligence on patrons, areas travelling from, reason for attending premises.
	16	<b>Enforcement</b> Execute Misuse of Drugs Act search warrant	Enter premises with a view to arresting for Section 8 offence.	Planned police operation.	Other agencies can be utilised in a partnership approach.  Arrest of patrons for POCD. Consider other offences, eg Abstract Electricity.
	17	<b>Prevention</b> Prevent further trading.	Impose Anti-Social Behaviour Order on owner/occupier and/or manager of café.	Evidence of anti-social behaviour such as youths congregating, graffiti, increase in noise, traffic problems collated by ASBO officers.	Joint Operation with Local Authority.  Lead agency for evidence gathering and prosecution of case. Order to include requirement to close the premises.
	18	<b>Prevention</b> Prevent further trading.	Impose police bail conditions on owner/occupier and/or manager of café.	Conditions to prevent further offences, ie named person not to enter café or allow it to be used to consume cannabis.	All persons likely to be involved in running of café are arrested and bail conditions imposed.  Offenders to be kept in custody and bail conditions to be imposed by Magistrate.

	Response No	Response	How it Works	Works Best If...	Considerations
	19	<b>Disruption Tactic</b>	Stop check of patrons arriving and leaving premises.	Stop check by police officers to disclose POCD offences.	Planned and co-ordinated ongoing operation.  Gather intelligence on patrons, areas travelling from, mode of travel, amounts of controlled drug in their possession.
	20	<b>Disruption Tactic</b>	Stop/check of vehicles and patrons attending premises.	Stop/check by police officers to disclose RTA offences, warrant and disqualified driver offences.	Planned and co-ordinated ongoing police operation.  As above plus associated driving offences. Explore possibility of using media to demonstrate café causing increase in drug/driving.
	21	<b>Disruption Tactic</b>	Visit by Fire Service Officer.	Disclose any breach of fire regulations.	Part of a planned operation.  Linking visit as part of planned approach, ie Environmental Health and Fire Service to visit during the same week.
	22	<b>Disruption Tactic</b>	Regular visits by Local Authority Officers.	Regular checks made to disclose contravention of health and safety, food and hygiene offences.	Co-ordinated approach in line with police tactics.  Dose premises for non-compliance with health and safety, food, hygiene regulations.

## References

Advisory Council on the Misuse of Drugs. 'The Reclassification of Cannabis under the Misuse of Drugs Act 1971' (2002).

Misuse of Drugs Act 1971.

Section 38 of the Criminal Justice and Police Act 2001. (2002) Amendment to Section 8 of the Misuse of Drugs Act.

R v Tao (1976) (All ER 1965), Defines '*Occupier*' for purposes of Misuse of Drugs Act 1971.

R v Josephs and Christie (1977) (65CR App R253) Defines '*Concerned in the Management*' for purposes of Misuse of Drugs Act 1971.

Be Streetsafe initiative run by Merseyside Police Crime Reduction Unit to reduce street crime and *the fear of crime*.

Tackling Drugs Together To Build a Better Britain (1998): The Government's 10-Year Strategy for Tackling Drug Misuse. *Provides structure for Drug Action Teams, aims, goals and performance indicators.*

Crime and Disorder Act 1998. Section 1 to 4. *Anti Social Behaviour Orders (ASBOs)* Section 17. *Local Strategies for Reducing Crime and Disorder.*

Regulation of Investigatory Powers Act (RIPA) 2000. *interception Code of Practice, Covert Human Intelligence Source. Code of Practice and Covert Surveillance Code of Practice.*

Stop and Search. Section 1(2) Police and Criminal Evidence Act 1984 (PACE) Section 23(2) Misuse of Drugs Act 1984.

Force Crime Operations Unit, Mather Avenue for enquiries with Banks and financial institutions.

Force Intelligence Security Bureau (ISB). Canning Place HQ. Single point of contact for enquiries with Government agencies and public companies.

Merseyside Police Caution Policy.

Proceeds of Crime Bill (*awaiting enactment*).