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Contracting out publicness: The private management of the urban public realm and its implications

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ABSTRACT

In the UK, there has been a noticeable increase in public space management arrangements based on transfer and contracting-out of managerial responsibilities to organisations outside the public sector, whether in the shape of community or private trusts, tenants organisations, Business Improvement Districts, private companies or voluntary sector organisations. Recent cuts in local authority budgets have accelerated this process. Underpinning it there is an underlying assumption that publicness, however defined, can be guaranteed by means other than public ownership, funding and management, and that public sector ownership and direct control might not be in themselves essential features of spaces that are public. This paper reports on a case study research that investigates the impact on public spaces of the transfer of management away from the public sector. Based on nine case studies of public spaces in London under a variety of different management arrangements, the paper discusses how publicness is affected by the various contractual forms of transfer and what the main implications of this process are for different stakeholders and for the public realm as a whole. The paper suggests that contracted-out management of public space might not necessarily affect publicness negatively. However, it requires judiciously designed accountability mechanisms and clear decisions by all key stakeholders, including local authorities, about whose aspirations will be privileged and how other aspirations should be protected. In a climate of austerity and spending cuts, this requires a different kind of public management and of policy.

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1. Introduction

It has become almost commonplace in writings about public space to bemoan the decline in its quality, the loss of its character and its gradual replacement by private or quasi-private simulacra. Whether or not this is factually correct, it is undeniable that the basic mechanisms for the provision and management of public spaces have changed. Moreover, that change seems to have followed a clear direction, away from direct state involvement and towards a larger role for other social agents in the private and community/voluntary sectors. Although most of the literature concentrates on how this process has taken shape in the United States, there is plenty of evidence to confirm that to variable degree this has been a more widespread phenomenon (see e.g. Langstraat & van Melik, 2013; Law, 2002; London Assembly, 2011; Minton, 2006, 2009; Németh & Schmidt, 2011).

There is enough research demonstrating how alternative forms of public space provision and management had gained ground in the UK (De Magalhães & Carmona, 2009; De Magalhães, 2010). Concern with their impact has been reflected in recent UK policy debates: the creation of BIDs less than 10 years ago and the debates about their role (see De Magalhães, 2012); the Greater London Authority's 2010 investigation into the management of publicly accessible space in London which concluded with the need to secure that access to public space is as unrestricted and unambiguous as possible; the House of Commons All Party Parliamentary Group on Land Maintenance 2009, which looked at the impact of the transfer to private management of green areas in new housing estates in Scotland; the Portas Report (Portas, 2011) on the health of town centres and its proposal for 'super BIDs' taking over a large part of the responsibility for the management of town centres. To this should be added the ongoing impact of cuts in local government budgets and the challenge these pose to the quality of many public services and the consequent need for their re-shaping.

All those alternative public space management forms are based on transfer and contracting-out of managerial responsibilities to

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organisations outside the public sector, whether in the shape of Business Improvement Districts, Town Centre Management schemes, land development trusts, community asset transfers or the contracting-out of managerial tasks to private companies or voluntary sector organisations under a variety of arrangements. This process rests on the implicit assumption that publicness, however defined, can be guaranteed by means other than public ownership, funding and management, and that state ownership and direct control might not be in themselves essential features of spaces that are public.

The emergence in the UK of public realm management arrangements such as those described above derives from a combination of factors. At their root is the gradual dominance of views of how to respond to relative economic decline which are based on a reduction of the role of the State and an increasing reliance on market mechanisms, which have been shared by governments of different political colours for the last 35 years. There is a vast literature on recent changes in British urban governance and the impacts of privatisation, 'neoliberalism', partnerships and inter-sector collaboration, from different perspectives, and discussing it in detail would fall outside the scope of this paper e.g. [Leach & Percy-Smith, 2001](#); [Raco, 2013](#); [Sullivan & Skelcher, 2002](#); [Swyngedouw, 2011](#)).

Within broader changes in urban governance, two sets of factors, however, are especially relevant. The first were changes in the context in which public services provision operates. Policy efforts at national level to reduce the costs and size of government led to a curbing of powers and spending of local authorities and a redistribution of resources within public services, affecting some services much more than others. Public realm services have suffered a steady decline in funding from the early 1980s, partly halted by the end of the century ([Audit Commission, 2002](#)). However, in the wake of the recent public sector spending cuts, funding for discretionary and non-statutory services like parks and open spaces is projected to fall by 60% or more over the next decade ([Neal, 2013](#)).

At the same time, the flowing of power to a plethora of subsidiary bodies within and outside the formal boundaries of the state, has given rise to forms of collaboration between different sectors and jurisdictions for the delivery of public goods and services, which applies equally to public space services ([Sullivan & Skelcher, 2002](#)).

The second set of factors came from new demands that were put on the public realm by policy makers and society. The perceived need for cities to compete to attract the more footloose investment of the globalised economy led to an increasing concern with the vitality and viability of urban areas and the role in this of public realm quality (see e.g. [DETR, 2000](#); [Urban Task Force, 1999](#)). At the same time, demographic and cultural changes have put new diversified and often conflicting demands on public spaces with corresponding new pressures on management systems ([Roberts & Turner, 2005](#)).

The cumulative results of these contextual demands on public realm have exacerbated the shortcomings of traditional management systems, centred around issues of levels of funding, lack of coordination among agencies, the lack of flexibility and fine-tuning ability of centralised management systems to respond to ever fragmented demands and increasing aspirations, the constraints on accountability at a very localised level by city-wide public organisations, etc. ([De Magalhães & Carmona, 2006](#); [ODPM, 2004](#)). In this light, contractualised public realm management mechanisms have emerged as ways of reconfiguring rights, roles and responsibilities to create management models that rely on the direct involvement of a variety of stakeholders to define and implement solutions to public realm challenges that cut across specialised remits, respond more closely to localised variations in

demand, are flexible to changes, and access resources wherever these might be available.

Whereas proponents of those alternative arrangements are to be found mostly among public space managers looking for immediate solutions for management challenges (see e.g. [ATCM, 2009](#)), the academic literature has depicted these arrangements quite often in a negative light (for the exception, see [Webster, 2002, 2007](#)). The transfer of control upon public space provision and management, especially from the state to the private sector, has often been linked to ideas about the reduction of the public sphere, death of public space, the emergence of the revanchist city, the intensification of processes of social exclusion and segregation, the inexorable expansion of market and commodity forms into the public realm, the retrenchment of the state vis-à-vis the market (see [Kohn, 2004](#); [Low & Smith, 2006](#); [Minton, 2006](#)).

Whether or not those critiques are an accurate depiction of reality, they certainly touch upon important concerns associated with the reduction of the role of the state in the provision and management of public space, namely the potential for exclusion and a narrower definition of entitlement to use those spaces, the potential erosion of accountability for their running, and the risk of increasing inequality in access, reinforcing other inequalities present in society. If that is indeed what these emerging forms of public space management mean, 'privatisation' of public space would negatively affect the public realm by subtracting from public life spaces that are open to all and in which all individuals and social groups can come together to express their views, meet with one another and thus help secure the intermingling of social groups which is a necessary condition for an inclusive democratic society (see [Low & Smith, 2006](#); [Watson, 2006](#)). Therefore, the key issue then is whether emerging forms of provision and management of public space represent by definition an erosion of its public character, and consequently a reduction of physical dimension of the public sphere, or whether they have the potential to deliver most of the attributes that make up the public character of those spaces without negatively affecting their essence, whilst meeting the aspirations stakeholders may have in relation to them. This is the discussion the research summarised in this paper engages with.

2. Background

2.1. *What is publicness and how it is secured*

The increase in number of public spaces managed by private interests, charities and user groups poses a number of important questions concerning what publicness is and how it can be secured; the effect on publicness of different governance arrangements combining a variety interests and aspirations; how societal aspirations in relation to public spaces can be incorporated in contracted-out governance strategies; and the broader implications of those arrangements for urban life and urban governance in general. Key to this discussion is an understanding of what it is that public spaces provide that needs securing through whichever provision system is in place, as well as what would characterise those benefits as 'public'.

As the literature on public space testifies, public space as a concept can encompass a wide variety of notions. The concept can be extended to all communal and non-private arenas of social life, which do not necessarily imply physical space and include the media and the virtual spaces of the internet (see e.g. [Ellin, 1996](#); [Taylor, 1995](#); [Watson, 2006](#)). It can be narrowed down to define all those physical spaces that are not strictly private, including not only publicly owned spaces but also all those spaces in which social and civic functions with a public character are performed, regardless of ownership ([Ellin, 1996](#)). This includes the semi-public, liminal or 'third' spaces of cafes, bars, bookstores, etc. ([Banerjee, 2001](#);

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