

## EXTENDED ABSTRACT

# THE ‘SIDEWALK CAFE WAR’: PRIVATIZATION OF PUBLIC SPACE BY TOURISM IN SEVILLE AND BARCELONA

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### 1. INTRODUCTION

The occupation of the public space for private uses is generating mounting conflicts in some Spanish cities and their urban centres, especially in those suffering higher tourist affluence, such as Barcelona and Seville. Issues related to the use made of the public space as congestion and mobility problems or noise, have aroused a debate about the difficult balance between the preservation of the public space sharing use, the rest of the neighbours, and the leisure of both tourists and residents.

In the case of Seville, the spectacular increase of the tourism demand in recent years provokes an inevitable impact on the public space. Driven by the need to harmonise these increasing tourist and leisure activities in a limited space, the municipal authorities have been forced to strengthen the control instruments and enforcement campaigns. Meanwhile, in Barcelona, the explosion of the polemic about mass tourism has fuelled the debate about the public space, namely the sidewalk cafes, in what has been called “the sidewalk cafe war” (El Periódico, 2017). In this context, the recent approval of a new and more flexible regulation (*Modificació de l’Ordenança de Terrasses de 20 de desembre de 2013*) was not free of polemic, until the point of being brought to Barcelona’s High Court of Justice

(Blanchar, 2018). The appeals against the regulation report un fulfilment of higher rules on accessibility, noise and environmental pollution, as well as on citizen participation.

Although the presence of sidewalk cafes is not the unique cause of the privatization of the public space in urban environments, it is an extremely important factor. Despite being subject to local regulations, it continues to generate conflicts of common features in different cities. It is for this reason that this work focuses on analysing the occupation of the public space by sidewalk cafes in two cities, in which there is an open debate on the subject.

## **2. OBJECTIVES**

The general objective of this research is to analyse in a comparative way the occupation of the public space by terraces in tourist areas of the cities of Seville and Barcelona. Accordingly, two specific objectives are formulated. Firstly, to analyse and compare the two legal frameworks and their criteria in terms of determining the areas, distribution and quantity of tables that they allow. And secondly to analyse and compare factual occupancy concerning sidewalk cafes as a phenomenon contributing to the privatisation of the public space, in a sample of tourist areas.

## **3. THEORETICAL BACKGROUND**

The public space as a concept is strongly entwined with the idea of the city, as without public space there is no city (Benavides, 2016). Indeed, the public space is, in its physical, political and symbolic dimensions, the place of the social relationships, of the collective memory and the identification, of the flows, the contact and the conflict.

Precisely for this reason, it suffers from the transformations that are typical of contemporary cities. These dynamics, to which tourism also contributes, tend to weaken and privatise the public space, especially the historic centres of monumental cities. The weakening, understood as the loss of quality, is produced because of the cultural and aesthetical banalisation of streets and squares that standardise the urban centres (Muñoz, 2008; Beltrán, 2015; Cabrerizo, 2016). The economic specialisation and the loss of social heterogeneity, both driven by the reorientation of services to satisfy the visitor, have generated many conflicts in cities worldwide, namely when aggravated by mass tourism (Colomb and Novy, 2016; Milano and Mansilla, 2018). As a result, the activities, uses and customs loss vitality and multifunctionality, hence facilitating the commercialization of historic districts (Kohn, 2004; Sorkin, 2004).

On the other hand, there is a privatisation of the public space. That is to say, that the privatisation of the activity and use of space or its access limits the spatial extension of squares and streets. Moreover, the privatisation of its activity and use also limits its public condition (García, 2011). Regarding the specific case of sidewalk cafes, there is a symbolic confrontation between the right of the commercial exploitation of an administrative concession legally obtained by the entrepreneur, and the citizens' right to the public space. This latter is part of a broader right to the city, as a legal and ethical compromise meant to guarantee the right of all urban inhabitants to collectively enjoy their wealth, culture, assets and knowledge (Capel, 2010; Correa, 2010). Thus, this research takes into conside-

ration the possibility that the governing regulations are not able to calm down all possible conflictive situations, even when such regulations are scrupulously applied.

Going beyond the widely recognised economic benefits brought by tourism, recent social sciences' contributions have focused on the negative consequences of the touristification phenomenon. Among them, the negative impacts of the tourist accommodation, coexistence conflicts between tourists and residents, or the banalisation of the urban image, have been widely studied. However, the impact of activities or facilities as sidewalk cafes have received less scientific attention (yet not less media attention). Still, noteworthy contributions have enriched the discussion. For instance, Fernández and Santos (2018) compared the regulations of several Spanish cities and identified sidewalk cafes as one of the main focal points of conflict, related to the urban landscape and derived from tourism. Similarly, the study commissioned by Barcelona City Council to the Polytechnic University of Catalonia appreciated the need to find auto-contention mechanisms of the public space occupation, to ensure the compatibility between mobility and bars and restaurants' activity (Garcia-Almirall, 2016).

#### **4. METHODOLOGY AND STUDY AREAS**

The methodology of this research is based on a combination of quantitative and qualitative techniques. The analysis of the regulatory framework of Seville and Barcelona's sidewalk cafes has been approached from a qualitative perspective. In the case of Seville, the regulation analysed is the current one since its approval in 2013; while in Barcelona, the one considered is the regulation approved in 2014 instead of its following modification from 2018, due to its legal uncertainty at the moment of the beginning of the present research.

Both regulatory frameworks have been analysed with content analysis technique, consisting in a scientific reading of the text that is systematic, objective and replicable (Andréu, 2001). The information has been completed with other institutions reports, as well as with semi-structured in-depth interviews to the Director of the Barcelona Municipal Institute of the Urban Landscape, and to a technician of the Spatial Data Infrastructure from the Urbanism Office of Seville City Council

The occupation generated from sidewalk cafes has been then analysed in specific study areas. These cases have been selected from the areas of higher tourist affluence of Seville and Barcelona. Similarly to previous studies (Garcia-Almirall, 2016), the selection of study areas has been based on the spatial density of hotels, Free Tours' meeting points, and tourism-specialized shops (souvenir shops, bazaars...). This information has been analysed geographically to allow the identification of the more touristified areas: the southern half of Seville's historic centre, and the Gótico neighbourhood (and its surroundings) in Barcelona. This has resulted in the selection of 11 specific squares and streets within these areas, of very different morphologies and forms of occupation of the public space. Quantification of the occupation of the public space has then been applied. Several aspects were detailed and analysed during this phase: the location and layout of sidewalk cafes, the number of tables and chairs, the average occupied area per module, and the verification of the license details of the establishments.

Finally, the Occupation Index (*Índice de Ocupación*, or  $I_o$ ) has been calculated.  $I_o$  is defined as the Area Occupied by Sidewalk Cafes (AT, or *Área de Terrazas*) divided by the Usable Pedestrian Area (APU or *Área Peatonal Útil*):

$$I_o = AT / APU$$

AT is obtained from the multiplication of the number of modules with the average area occupied by each module. APU is the area of a street or square that results from excluding the surface corresponding to roadways, or that is occupied by urban furniture.

The calculation of this indicator allows knowing the degree of the spatial appropriation made by sidewalk cafes of a given street or square. Its utility lays on the relation between the private use and the total surface available to the passer-by. In other words, the emphasis is not placed on the number of tables and squares, but on the surface that they are appropriating of.

## 5. THE REGULATORY FRAMEWORK FOR THE IMPLEMENTATION OF SIDEWALK CAFES

The regulation on the area of sidewalk cafes analysed, for both capitals, is fairly recent and almost contemporary. In both cases, the necessity of regulations arose because of a large increase in the demand for licenses, which was in part triggered by the entry into force of the anti-smoking law. Beyond this, other causes have to be considered such as the pedestrianisation of important streets and their transformation in commercial and leisure axes, in the case of Seville. In turn, the increasing tourist affluence in Barcelona has also caused higher competition for the use of public space.

It is in this context that the polemic about sidewalk cafes appears, bringing up the difficulty to combine the right to the public space with the freedom of trade. The City Councils reacted by planning the space and constituting new governance spaces. These spaces include specific commissions for sidewalk cafes, in which the restaurant associations and neighbourhood collectives are represented.

The general ordinances of Seville and Barcelona present multiple common elements, as both pretend to establish a series of requisites for the conservation of the public space and the mobility of pedestrians. However, Barcelona's ordinance is more demanding and detailed regarding the conditions for the setting of sidewalk cafes, as well as in its stipulations aiming to guarantee the urban landscape's quality. It stands out that both ordinances establish general directives, but also explicitly state the possibility for some areas of the city to be regulated under specific parameters. In the case of Barcelona, special ordinances for specific urban spaces (as boulevards and squares) are envisaged. In practice, most of the special ordinances are focused in the historic centre of the city, whose dense urban layout contributes to increased competition for the use of the public space. In Seville, the possibility of not granting licenses in physically saturated spaces is also contemplated. Such spaces have to be declared as of an administrative record, even though the ordinance doesn't specifically mention the criteria used to determine the aforementioned saturation degree.

As it can be appreciated, the criteria that determine the possibility of installing sidewalk cafes in the public space are fundamentally related with the proportion of open space that they will occupy, as well as the passage width that they have to allow. This way, these criteria indirectly prevent the setting of sidewalk cafes in spaces that are too narrow. However, none of both ordinances makes distinctions based on neighbourhoods, degree of activity in the public space, or degree of tourist saturation. Nevertheless, they have the virtue of containing the pressure of the public space occupation, and of establishing clear rules for the different collectives affected, such as restaurateurs (to whom they confer legal security), the community using the public space, and the administration itself.

## **6. THE OCCUPATION OF THE PUBLIC SPACE BY SIDEWALK CAFES: CASES OF STUDY**

About the results of identifying the most touristified areas of both cities, a first point to note is the fact that the tourist areas of Seville and Barcelona coincide with the areas with a high concentration of sidewalk cafes. The fieldwork has allowed observing the privatisation of the public space through the setting of sidewalk cafes, by quantifying the number of premises with sidewalk café, the number of tables and the total occupied surface, for each street or square. This way, it is brought forward that these streets and squares' public space do not only receive the influx and traffic of many visitors, but that part of this public space has also been lost in favour of private use by the catering sector. This generates a higher competition for the public space and can constitute a catalyst of conflicts with the resident community.

It is significant that in both cities the lower Occupancy Indexes coincide with areas that are subject to specific regulations. That is to say, the occupancy for private use presents a lower impact only when it is legislated beyond the general ordinances. In those squares and streets without detailed regulation, the general ordinance doesn't necessarily guarantee a harmonious balance between the public space and the rest of the public domain that remains free for the passage of pedestrians. Indeed, Occupancy Indexes that fall by between 0,2 and 0,3 are found in spaces as small squares of the Santa Cruz neighbourhood (Seville) and the Plaza Real square (Barcelona), showing that between 20 % and 30 % of the Usable Pedestrian Area (APU) is being privatised by sidewalk cafes.

In short, although the ordinances have served to manage and plan and to provide higher legal security for the implementation of sidewalk cafes, it is observed that they did not have a limiting effect on them. In touristic ally saturated neighbourhoods of Seville and Barcelona, high Occupancy Indexes are appreciated. These neighbourhoods also present, generally speaking, narrow urban layouts with a small proportion of public space. Hence, the privatisation phenomenon of the space brought by the implementation of sidewalk cafes affects especially these environments, which already have little public land for communitarian use.

## **7. CONCLUSIONS**

The cities of Seville and Barcelona can be considered as examples of how the phenomenon of tourism doesn't only bring with economic benefits to urban destinations, but can also have unwanted effects and become a catalyst of conflicts for the public space.

The proliferation of sidewalk cafes in both cities has been strongly influenced by the anti-smoking law, but also by the increase of the demand driven by a growing number of tourists that converge in the neighbourhoods more touristic ally attractive. Such an increase has contributed to the transformation of public space's uses. In this sense, paradoxical situations have been produced, in which urban planning activities were developed to generate new public space, that was later quickly occupied by sidewalk cafes that prevent other uses of the space (Síndica de Greuges de Barcelona, 2015).

In a context of increasingly intense competition for the use of the space, local governments have taken measures to manage the conflict. These measures are both normative (ordinances for sidewalk cafes) and governance-related (sidewalk cafes' commissions). Still, the management instruments created have not had the expected results, either because they have not been completely implemented, either because they could not mitigate the conflict of the use of public space.

The ordinances that regulate the implementation of sidewalk cafes in the cities of Seville and Barcelona are almost contemporary, and present several common elements, even if Barcelona's ordinance is more detailed, demanding and restrictive. Although the approval of the ordinances has brought legal security and was able to contain the pressure on the public space in some specific urban areas, they have not stopped the over-proliferation of sidewalk cafes in the neighbourhoods having a more saturated public space. Thus, both cities present tourist areas highly occupied by sidewalk cafes, such as the neighbourhood of Santa Cruz in Seville or the Plaza Real square in Barcelona. This shows that, as hinted by Fernández and Santos (2018), the conflicts for the saturation and appropriation of the public space are not as much due to the lack of regulation than to the weakness of the municipal administration's control and inspection mechanisms. Moreover, the narrow urban layout of the historic centres with high heritage value landscape turns out to be especially vulnerable to this over-occupation, a fact not considered by the general ordinances.

Summarily, the research points out the limitations of the generic ordinances to regulate sidewalk cafes in a heterogeneous urban scenario. In this sense, the need to include criteria related to the urban layout and landscape, to the activity of the public space and the degree of tourist saturation, is signalled. In that regard, the regulation organised the public space as if it was an isotropic surface, which does not fit with the particularities and singularities of the historic centres. Both Seville and Barcelona have specific ordinances for some areas that take into account complementary criteria to the width of the passage. These specific ordinances have resulted in lower Occupancy Indexes. However, the possibility of developing specific regulations that would consider the particularities of every space has not been fully exploited by the local governments.

Regarding the applied methodology and since it is relevant to consider not only the surface oriented to privative activities but also what it represents in proportion to the total space available, the Occupancy Index has proven to be an appropriate indicator to assess the impact of sidewalk cafes on the public space.

To conclude, we would like to highlight the interest of expanding the research to other areas of the city and to deepen in the real occupancy of the sidewalk cafes in comparison to what the licences allow. The evaluation of the balance between the social cost associated with the loss of public cost, and the economic benefits in the form of taxes for the local administration is also a matter pending of study.