

# Criminality within the Park Home Industry

## Best Practice Guidance

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## Introduction

This document is intended to offer practical advice and support for officers and police staff involved in the investigation of criminality within the park home industry. The Guidance has been developed by A/DCI Mark Colquhoun who recently led a complex investigation into serious and organised crime in a park home setting. This investigation resulted in a successful prosecution where [74](#) accused received 64 years in jail.

Park home crime can be an extremely serious form of criminality which may lead to the ruination of its victims, while enriching its perpetrators in sums of hundreds of thousands if not millions of pounds.

It is a form of criminality which is underreported, and where victims do seek police involvement, the service has frequently fallen short in terms of offering inappropriate advice and delivering an inadequate investigative response. These failings are largely due to unfamiliarity around the context in which the offences occur, i.e. the park home industry.

While these reasons are understandable, they are also unacceptable. Police forces need to ensure that victims of park home criminality receive the same high level of service as those of any other serious / major crime. It is hoped that this document will help realise that aim.

## Park Homes

Park homes as they are referred to in the industry would be more commonly known by members of the public as 'mobile homes'. This in itself is a slightly misleading term as there is very little that's 'mobile' about them. While classed as caravans, once sited on a pitch, the likelihood is that a home will remain there, unlikely to be moved for the duration of its lifetime.



A 'pitch' is the plot of land upon which a park home is placed. It usually encompasses a concrete base on which the home itself is situated plus a small area of surrounding land, which may be utilised as a garden or a drive for a vehicle.

Park homes are situated on park home sites. A site may contain a handful of park homes, or as many as several hundred.

Allowing for variables such as the location, size and condition of home etc, park homes can sell for anything between £20,000 and £250,000.

## The industry

The park home industry is a billion pound business.

There are over two thousand park home sites within the UK, primarily but not exclusively centred in rural areas.

For the vast majority of the quarter of a million residents who reside on park home sites, their park home constitutes their only place of abode. Most residents are elderly, with many sites setting a minimum 'near' retirement age as a condition of residence.

The industry heavily markets itself towards 'property rich – cash poor' senior citizens. The advertising paints a picture of like minded individuals forming small idyllic communities in which they will live out their twilight years in comfort and contentment, made all the better by the equity release that "*upgrading to a park home*" brings about.

Almost all sites are privately owned and run as profit making businesses. Most sites are owned by individuals, and while some site owners own a single park, others may own up to twenty or more. Park owners with a single site will tend to run it themselves, while those with multiple sites may well employ site managers to run single sites on their behalf.

Sites themselves can be bought and sold at the whim of the individual. Anyone can own a park home site, and while the site owner has to be granted a licence (see below) this is a rubber stamping exercise. As things currently stand a long criminal history or prior evidence of malpractice within the industry would be no barrier to an individual buying and running a site. The current residents of a site have no say whatsoever in it being sold, or in relation to who purchases it.



## **Park Home industry regulation**

The pieces of legislation which set out the rules which govern the industry are primarily the Caravan Sites and Control of Development Act 1960, the Caravan Sites Act 1968 and the Mobile Homes Act 1983. For the purposes of this document the key features of this legislation are:

- All park home sites have to be licensed. The licence is issued by the local authority in which the park is geographically situated and is issued to the site owner. There are no current restrictions as to who can own a park home site and in reality the issuing of a licence is a mere formality. The local authority has no say over who can buy a site within their area, and even where that individual comes with a long history of malpractice within the industry, generally once they have purchased the site a licence will be issued to them as a matter of course. Where a site owner fails to comply with the conditions of their licence it is the responsibility of the local authority to prosecute them.

- The site will be divided into a number of pitches. A park home will be sited on each pitch. The site owner will have a written agreement with each home owner whereby they have an ongoing entitlement to have their home sited on the pitch, in return for which they pay a monthly pitch fee and a charge for utilities.

- Home owners have a duty to keep their home in a sound state of repair. Should they fail to do so and not take appropriate remedial action the site owner can, through the civil court, have their agreement nullified and the home owner evicted from the site.

- Home owners cannot sell their homes without the site owner approving the prospective purchaser. It is likely that the rationale for this requirement was that an inappropriate and dysfunctional resident could seriously undermine the value of the site, therefore by giving the site owner an effective power of veto over all home sales, they are able to protect their commercial interests. If a home owner believes that a site owner has unreasonably blocked the sale of their property then they can challenge that decision via the county court which has the power to overturn the site owner's veto.

- The right to site a mobile home on a particular pitch applies only to that specific home. When the home reaches the end of its natural life, the home owner cannot simply purchase a new one from a manufacturer and replace the old one. Instead, they would either have to buy the new home through the site owner, or if they bought it themselves pay the site owner a fee for the new home to be sited on their current pitch. The size of the fee would be entirely at the discretion of the site owner. If a home were to be destroyed, there would be no entitlement for the home owner to put a replacement on the pitch. The agreement that stood was specific to the destroyed home and to put a different home on the pitch would require a new agreement to be negotiated with the site owner.

## **Park Home Industry Economics**

Park home sites are run for profit. There are three ways in which a site can generate income for its owner. In ascending order of profitability these are;

- Pitch fees. The home owner pays a monthly pitch fee to the site owner. The pitch fee is far less than the equivalent rent on a brick built property, being around £120 per month. A medium size park of around thirty homes could therefore generate the site owner around £36,000 a year in income through pitch fees alone. Pitch fees may only be increased annually and only then in line with the retail price index. If a site owner can demonstrate they have carried out works to improve the overall condition of the site, then the cost of these can be recovered by a pitch fee increase over and above the RPI, but in broad terms the site owner's capacity to increase profits through raising the pitch fee is extremely limited.

- Commission on sale of homes. If a home owner sells their home, then the site owner is entitled to a commission of their choosing up to 10% of the purchase value. In reality it always is 10% and this gives them a profit opportunity of between £2,000 and £25,000 per sale.

- Sale of new homes. When a resident buys their park home, they are in effect purchasing two different things; the physical home itself and the right to site the home on a particular pitch for the lifetime of the home. Of those two elements the value of the home is usually less than the value of the pitch. Site owners, particularly multi-site owners get substantial discounts from home manufacturers. Having bought the physical home cheaply, they can then sell that home on the pitch for as much as the prospective home owner is willing to pay. This means that the sale of a new home to a new resident, or to an existing resident if their old home is replaced, can generate profits between £40,000 to £150,000.

A single new home sale can, therefore, generate more income than four years of pitch fees for an entire park home site. While that comparison is achieved utilising a profit figure for a new home sale from the very upper end of the market, even where average sales prices were realised, the profit opportunities from new home sales significantly outweigh the alternatives.

A legitimate prospective purchaser of a park home site, as part of their business plan would look at factors such as any spare plots on the site, the frequency of home sales in the past, the likelihood of any older homes needing replacing, in reaching a determination of the overall value of the site and the amount of income that could be legitimately generated by the business.

## **Criminality within the industry**

Unfortunately, the system of regulation and economics within the park home industry have attracted a number of rogue site owners intent on making substantial sums of money.

Were a site of thirty homes to be bought by a rogue site owner with a mortgage of £1 million pounds, the owner would only need to replace ten of those existing homes with new ones in order to earn enough profit to clear the mortgage in its entirety (assuming a 100k profit margin per sale could be realised).

The problem for the rogue site owner in achieving this however is that it may be that there aren't ten existing home owners who want to leave the site. The solution is for those residents to be 'encouraged' to either leave or sell to the site owner at advantageous terms.

This 'encouragement' can take the form of:

- Vetoing all sales of homes within the site, including any part way through the process. While the site owner would get 10% of the sale value, this is still far less than can be realised by replacing the old home with a new one, or buying a serviceable home well below market value and selling it on. The rogue site owner wants to be in the position where residents will be forced to sell their homes to him at a fraction of their true value. They won't do that if they can sell to someone else, so that line of escape has to be blocked.

While the regulations allow home owners to challenge the unreasonable rejection of prospective purchasers, the reality is that most home owners do not have the emotional or financial resources to take the site owner through the court process. In addition the length of time it would take for the process to play out would almost inevitably result in the prospective purchaser finding an alternative property elsewhere.

- Visiting local estate agents who market park homes to tell them they will not be allowing any homes to be sold on their site, thus not to waste their time taking on sales

- Intercepting prospective purchasers visiting the site and putting them off the sale by rubbishing the home in question or the site in general

- Telling residents their homes are defective in some way and threatening that unless they bring them up to standard they will have them evicted from the site. Commonly these defects will be invented or significantly exaggerated as will the amount the site owner tells the home owner it will cost to put the defect right. The purpose of this tactic is that faced with the prospect of a £20,000 repair bill which the home owner can't afford, the site owner will be able to buy their home for nothing or next to nothing.



- Telling residents their porch / garden / extension is illegal and must be torn down.
- Telling residents the park will be turned into a 'gypsy site' that animals will be placed on the site and allowed to roam.
- Subjecting residents to harassment, intimidation and abuse.
- Threatening residents and damaging their property
- Neglecting the maintenance of the site, allowing it to become run down.
- Preventing residents from refurbishing their homes. The biggest profit opportunity lies in getting older homes replaced with new ones. The last thing a rogue site owner wants is for a resident to extend the life expectancy of their home for another ten years by refurbishing it. They therefore refuse the resident permission to have refurbishment carried out (even though they have no right to) and on occasions those working for refurbishment companies have been badly assaulted to deter them from working on particular sites.

Through the above the site owner effectively traps the residents in their own homes while creating a climate of fear. Many of the residents will be frail and vulnerable and their physical and mental health can be easily impacted upon. Eventually, the suffering reaches the extent, where desperate to get out, the resident will sell to the site owner for a fraction of their homes market value. It only takes a small number of residents to sell up for the site owner to make a substantial amount of money and potentially pay off any mortgage outstanding on the site.

There is evidence of rogue site owners then buying further sites where the same tactics they have utilised successfully elsewhere are then brought to bare on a new group of luckless residents.

## Example – Op Kingpin

Operation Kingpin was the West Mercia police investigation into a series of offences committed at The Glen park Home site in Bromsgrove.

- 'The Glen' a thirty eight pitch park home site near Bromsgrove in Worcestershire, was placed on the market in January 2007. Two brothers, John and Simey Doherty (who already owned a further three sites), visited The Glen before making an offer of purchase, which was accepted.

- The Doherty's employed a group of criminals from Leicestershire to burn down two homes prior to the sale so that they could blackmail the then site owner into reducing the price. The sale was eventually conducted for £260,000 less than had initially been agreed.

- Having bought the site the Doherty's proceeded to launch a campaign of harassment and intimidation against the existing residents in order to terrorise them into leaving their homes (utilising all of the tactics already outlined above).

- The Doherty's then had a third home burned down a few weeks after taking ownership of the site

- Out of fear for their own safety, residents from nineteen of the thirty eight homes were re-housed by the local council.

- Out of desperation five residents sold their homes to the site owners; one for £6,000, four for £1! All five homes had market values of over £80,000 pounds. All five homes represented the only financial asset of their elderly occupants.

- It took two years for those responsible to be convicted and sentenced to a total of sixty four years imprisonment. In the meantime, three of the displaced residents died, not living to see justice done.

- Many of the displaced residents have been financially ruined. All have yet to be compensated for their loss.

- Many residents have suffered physical and mental health problems brought about by their experiences at the Glen, most have yet to recover.

~~The Doherty's (convicted arsonists, blackmailers and fraudsters) are still the legal owners of the site.~~

- In respect of the other sites owned by the men, West Midlands Police launched an enquiry at the site within their jurisdiction which revealed a series of similar events to those at The Glen. This resulted in a number of further offences being TIC'd, a three year consecutive sentence and an application for over £300,000 compensation on behalf of those residents.

## **Best practice recommendations**

For officers involved in the investigation of allegations of park home crime, it is recommended that the following be taken into consideration.

### ***Allegations of park home criminality should be referred to a criminal investigation department for initial assessment.***

One of the greatest failings of the police service towards victims of park home crime is in not conducting an appropriate investigation due to the misunderstanding that the allegation being made is a civil matter between the site owner and resident.

Victims of park home crime often live in fear of the site owner who is able to exert enormous influence and pressure over his or her vulnerable residents. It can take a significant amount of courage on the part of a resident to come forward and make an allegation to the police. If that resident is wrongly advised by the police that the dispute is civil rather than criminal, it is unlikely they will ever come back again.

Points of first contact within police forces (i.e. call takers and front counter staff) play an important role in screening members of public so that they can be directed to the most appropriate person within the organisation best placed to help them. This includes on occasion identifying that the issue at hand is not a policing one, and providing an explanation to that effect including advice as to who else may be able to assist (i.e. local authority, or housing etc).

While our first contact staff are highly skilled at getting this screening process right, the scarcity of park home allegations, combined with a lack of understanding around the criminality and the legislation makes it highly likely that the member of staff will judge a park home crime as a civil matter and tell the resident that the police service cannot act on their behalf.

This is not to say that every reported incident regarding a park home site will involve a crime having been committed. There will be occasions where the dispute is entirely civil in nature and remedy should be sought through the local authority or county courts. However, where criminality does occur the impact on the residents can be so devastating, that the principle should be adopted in this areas of business as with other serious / major crimes that it will be investigated as a serious crime until enquiries demonstrate that not to be the case.

If that principle is accepted, then responsibility for conducting an initial assessment should sit with detective officers within a criminal investigation department.

Once an initial assessment has been conducted, an informed decision can then be made as to whether there is evidence of criminal offences having been committed and the best way to progress any enquiry.

### ***Absence of complaint does not equate to absence of criminality***

Where a rogue site owner is subjecting one resident to criminal behaviour, they are likely to have done the same / be doing the same to others. However the challenges of supporting residents so that they feel sufficiently confident to provide statements / give evidence should not be underestimated.

In operation Kingpin residents from only four of the thirty eight homes gave statements during the seven month period between the first home being burnt down and the site owner being remanded in custody. Once that had occurred residents from every remaining home then came forward to provide evidence.

If the park home site has been operated by a rogue site owner for some time, many of the victims may have sold up and moved out. A comprehensive investigation may need to incorporate the identification and interview of previous residents as part of its witness / victim strategy in addition to those persons currently residing on the site.

### ***Residents must be provided with robust and visible support***

As above, where serious criminality has occurred on a park home site, investigating officers are likely to face significant challenges in building sufficient confidence amongst the residents that they are prepared to come forward and give evidence.

The rogue site owner has legitimate 24 hr access to his / her park and that gives them and their associates ample opportunity to intimidate and deter residents from speaking openly to the police.

To counter that the police must be seen to put in place a robust reassurance and confidence building strategy. Only if residents feel that the police will be able to protect them from the site owner are they likely to come forward.

In delivering that strategy it is recommended that:

- Ownership should sit with a supervisor / manager on the relevant neighbourhood policing team. The reassurance and confidence building work should be seen as complimentary to, but distinct from the criminal investigation. There may be a need for this work to continue well after the criminal investigation has concluded (in Op Kingpin despite the convictions, the offenders remained the legal owners of the site hence the need for continuing reassurance work)
- There should be continuity of officers / CSO's deployed to the site. The key to building the trust and confidence necessary to get residents to come forward as witnesses is in establishing personal relationships between our staff and the residents.

- Any challenge from the site owner must be robustly dealt with. Where officers have previously sought to establish a presence on park sites, rogue site owners have publicly confronted those officers, seeking to challenge their right to be there and intimidate them. These interactions are potentially crucial to the furtherance of the investigation. If a rogue site owner can demonstrate they are able to intimidate the police, what chance of a resident standing up to them by giving evidence? Officers must of course always act lawfully and proportionately to any given situation, and a site owner can perfectly legitimately ask why the police are on his site. However, officers must not be prevented or swayed from carrying out their lawful duty, and any intimidation on the part of the site owner must be robustly challenged.
- As residents become prepared to come forward and give evidence, that evidence should be captured by a member of the investigation team and where possible the same officer should be used for all the residents. Utilising the same officer, will itself help the trust and confidence strategy, but it is important to use an officer from the investigation team so that someone with the most appropriate skill set is actually engaged in capturing the witness evidence.

***Where there is apparent evidence of criminality by the site owner, and that person owns further park home sites, liaison should take place with those police forces that have geographic ownership of those other sites.***

In the same way in which a rogue site owner committing acts of criminality against one site resident is likely to be committing similar acts against others, a rogue site owner committing offences on one site is likely to be committing similar offences on other sites which they own.

Site owners will commonly own a number of sites which could be situated anywhere throughout the UK.

Often the significant amounts of money gained through criminality will be reinvested in purchasing additional sites where further offending can be committed.

It is strongly recommended that where evidence of serious criminality by a site owner is found that further sites owned by that individual are identified and contact made with the relevant BCU crime manager.

They may wish to instigate their own scoping exercise to assess whether members of their own communities have been victimised in a similar way and whether it would be appropriate to initiate their own investigation, or even take a franchised approach with the notifying force.

It may be that other forces have previously carried out investigations which fell short of the evidential threshold test, but which when combined would stand a greater chance of success.

In the same way as it would be inappropriate to look at criminality committed against individual residents in isolation rather than collectively, it is equally inappropriate to ignore the fact that such criminality may be being committed across a number of sites situated in disparate force areas.

While each and every force has its own pressures and priorities, where there is apparent evidence of criminality across different sites, the potential benefits of a joined up approach are substantial.

***Local authorities and trading standards should be consulted at an early stage.***

Local authorities are responsible for licensing park home sites. Where site owners are in breach of their licence they have the discretionary power to prosecute them.

It is likely that prior to any police investigation, residents will have had written contact with the local authority, and that they will have records of issues raised by residents in respect of the site owner. These may be of evidential value to any police investigation and the relevant housing officer is therefore someone who should be consulted at an early stage.

It may be at the conclusion of the police investigation that it is deemed that no criminal offences have been committed whereas there may be evidence of breaches of the site licensing conditions or the Mobile Homes Act. If that is the case, in relation to site licensing conditions, then it may be appropriate for the local authority to take ownership of any further formal action and this will be more easily achieved if they have been included from an early stage.

It would be true to say that the 'focus' of local authorities on park home issues varies considerably. While some local authorities are very good at administering and enforcing the regulations others are less so. In a similar way to police forces, a local authority which has not had a history of park home criminality may struggle in its response to a newly arrived rogue site owner.

Trading standards departments may well have previously conducted investigations into particular site owners and have retained material which could be of evidential value to the police investigation. Early liaison with the local trading standards office is to be encouraged.

***Financial investigation resources should be utilised from an early stage and throughout the enquiry.***

Park home criminality is a financially motivated form of offending. Demonstrating that to a jury is likely to be a key objective in securing convictions. Such investigations bring with them significant opportunities for the seizure and potential confiscation of assets under the POCA legislation.

It is also highly probable that victimised residents will seek sums of compensation running into hundreds of thousands of pounds at the conclusion of any prosecution.

The size and complexity of the financial enquiries relating to a park home criminal investigation are likely to be such that the early involvement of / consultation with specialist financial investigative resources are strongly recommended.

***Early contact should be made with the Crown Prosecution Service and their involvement maintained throughout the investigation.***

Park home criminality is an area of offending rarely dealt with by the police, and it is unlikely that the Crown Prosecution Service (CPS) will have any greater familiarity. For that reason, best practice dictates they should be involved at an early stage to allow themselves to become familiar both with the circumstances of the case, and the regulations that relate to park homes. Most site owners will seek to disguise their criminality as compliance with the park home regulatory system. Prosecutors will need to be familiar with that system in order to assess whether any criminality has occurred.

In addition it should be recognised that a park home investigation is likely to grow and spread out in a number of directions prior to its conclusion. What may start off as a complaint from a single resident in respect of a site owner could, in all likelihood, develop into a case of multiple victims, spread across a number sites in various force areas, with the site owner and a number of associates featuring as suspects.

With the potential for such an expansive enquiry, it makes sense to have the CPS involved from the start, so that as the investigative picture develops, they are on hand to provide the appropriate advice.

***Interviewing officers must be familiar with the legislation regulating the park home industry.***

Faced with a police investigation into their criminality, a rogue site owner is likely to use the Mobiles Homes Act and associated legislation in an attempt to legitimise their actions.

If those officers conducting the suspect interviews are to properly test the site owner's account, they must have a good understanding of both the regulatory legislation and how a legitimate park home site should be run.

Those officers leading the investigation must ensure that their interviewing officers (and others on the enquiry) have access to sufficient material and advice to ensure their level of knowledge is appropriate (see useful contacts below)

***Consideration should be given to using appropriate expert witness evidence.***

The park home industry and its associated legislation is something likely to be unfamiliar to most police officers, crown prosecutors and jury members. Therefore it is likely to be to the benefit of all if specialists within the industry can provide their expertise whether as advice or evidence. Areas with which they may be able to assist might include:

- Surveys of park homes (both to value the property and assess any alleged defects in need of repair)
- Valuations of park home sites
- Estimates of remedial works to park homes
- Legal opinions as to whether a site owners actions were compliant with the relevant legislation
- Background information regarding the running and management of park home sites.

Because of the small number of investigations into park home criminality, there is not an existing pool of expertise which has been tested in the courts. The NPIA specialist operations database has few if any experts relating to park home issues.

This means that enquiry teams will have to try and identify appropriate experts through other means, recommendation, industry press, the internet etc. This creates a burden upon the SIO to ensure that the potential witness genuinely does have the level of expertise required.

It also raises issues of taint. The number of 'key players' within areas of the industry can be relatively small. Before engaging an expert witness it is worth establishing what allegiance to or potential influence they may be under from persons involved in the enquiry. Work for the police has been declined in the past due to fear of intimidation from the suspects, or because of fears that other site owners would boycott the company if they were known to be helping the police.

It's impossible to judge whether and in what way 'taint' issues will arise, but it is recommended that the potential for such issues are explored with the expert, prior to them being commissioned.



## **Useful contacts**

The following are a list of contacts which may be of use to officers involved in the investigation of park home criminality.

**Department for Communities and Local Government** (responsible for legislation around the park home industry. DCLG website contains a variety of documents relating to park home law including downloadable guides to residents.

<http://www.communities.gov.uk/housing/rentingandletting/parkhomes>

## **National residents groups**

IPHS – independent park home advisory service

<http://www.iphas.co.uk>

Park home residents action alliance

<http://www.phraa.co.uk>

National association of park home residents

<http://naphr.org>

## **Legal services**

Park home legal services Ltd

<http://www.phls.net>

## **Publications**

Park home and holiday caravan magazine

<http://www.phhc.co.uk>

## **Trade associations**

National park homes council

<http://www.theparkhome.net>

British holiday and home parks association

<http://www.bhhpa.org.uk>