

David Birrell

Call 2006



Clerks' Details

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Appointments

- Legally Qualified Chair of Disciplinary Tribunals, England Boxing
- Disciplinary Tribunal member, England Handball

Memberships

- Northern Circuit
- Criminal Bar Association
- Association of Regulatory and Disciplinary Lawyers
- Young Fraud Lawyers (North West) Association

Education

- Saint Edward's College, Liverpool
- University of Liverpool
- L'Université Paris 1 - Panthéon-Sorbonne
- Nottingham Law School

Local Government & Social Housing CV Overview

David is regularly instructed on behalf of local authorities nationwide. He has extensive experience of cases in the following fields:

- Benefit fraud
- Trading standards
- Statutory nuisance
- Licensing
- Dangerous dogs
- Food safety offences
- Offences contrary to the Environmental Protection Act 1990
- Offences contrary to the Town and Country Planning Act 1990
- Offences contrary to the Consumer Protection from Unfair Trading Regulations 2008
- Offences contrary to the Housing Act

David has advised and represented numerous local authorities in relation to Proceeds of Crime Act ('POCA') applications in a wide range of cases.

David regularly advises in conference with local authority solicitors and representatives from their client departments. He is a regular speaker at Exchange Chambers' annual Local Government and Social Housing training day. He lectures at training days organised by the North West Legal Consortium and is happy to deliver seminars and training to local authority solicitors and investigators upon request.

Wigan Council v Ghorbani (2019)

Taxi licensing appeal. David successfully resisted the Appellant's appeal against the revocation of his licence. The LA was awarded its costs in full.

Liverpool City Council v Signature Living Hotels Ltd (ongoing)

Liverpool Crown Court. Food hygiene prosecution against city centre hotel.

Liverpool City Council v Scott and others (ongoing)

Civil action arising out of breach of an enforcement notice issued under the Town and Country Planning Act 1990.

Conwy Council v North Wales Sky (2018)

Caernarfon Crown Court. David prosecuted company directors for offences of Fraud and Money Laundering arising out of their business of selling 'chipped' Sky TV boxes. Custodial sentences were imposed and confiscation proceedings under the Proceeds of Crime Act were instigated.

Liverpool City Council v Britannia Hotels Ltd (2017)

David prosecuted the owners of the landmark Adelphi Hotel, Liverpool for food hygiene offences relating to cleanliness and pest control. Fines of £232 500 were imposed in addition to a costs order of £35 000. The case attracted national media coverage:
<https://www.mirror.co.uk/news/uk-news/disgusting-images-reveal-hotel-made-10671992>

Liverpool City Council v Kassim (2017)

David prosecuted a significant commercial landlord for offences of failing to register student accommodation contrary to the Housing Act. The Defendant was convicted. A significant costs order was imposed.

West Lancashire District Council v Edwards (2016)

Preston Crown Court. David was instructed to prosecute landowners who breached the terms of an enforcement notice issued under the Town and Country Planning Act 1990 by operating an illegal caravan storage business. Upon conviction, the Defendants were made the subject of a confiscation order under the Proceeds of Crime Act 2002. In addition, the Court imposed fines and a sizeable order for costs. The case was reported in the press.

Wigan Borough Council v Rosenthal (2015)

Liverpool Crown Court. David prosecuted a second hand car dealer who was convicted of 5 counts of Engaging in a Misleading Action contrary to the Consumer Protection from Unfair

Trading Regulations 2008. The Defendant was sentenced a period of imprisonment. The case was reported in the press.

Wigan Council v Eaton (2015)

Liverpool Crown Court. David prosecuted a bogus will-writer who targeted vulnerable pensioners. The case was brought under the Consumer Protection from Unfair Trading Regulations 2008. Upon conviction the Court imposed a prison sentence and made significant orders for compensation and costs. The case was reported in the press.

Publications

Between 2010 and 2012 David contributed to the Solicitors Journal by writing the Criminal Law updates.

Beyond the Bar

- David plays football and runs marathons.
- He enjoys cooking and dining out.
- Having lived, studied and worked in Paris, David speaks French fluently.

Cases

Wigan Council v Maiden (2019)

Bolton Crown Court. 'Fly posting' prosecution brought under Town and Country Planning Act. David successfully resisted an appeal against conviction brought by the Appellant. The local authority was awarded its costs in full.

Liverpool City Council V Ngambi (2019)

Liverpool Crown Court. Trading Standards prosecution brought under Trade Marks Act. The Defendant admitted offering counterfeit electrical goods for sale on eBay.