

Edinburgh Reporter chats: Kenny McAskill MSP

“Kenny is running a bit late, so could you move the appointment back by half an hour. He is at a meeting which has overrun.” said McAskill’s PA, on the phone. By the time The Reporter arrived at the constituency office to meet him, however, the MSP for Edinburgh East and Musselburgh and Minister for Justice was more than ready for the interview, which was then conducted with complete professional assuredness. One not only gets the feeling that this is someone who is well-used to political life, and who is also prepared for the impending election campaign to get him re-elected. McAskill has held the seat in [Edinburgh East and Musselburgh](#) since 2007. Previously he held the Holyrood seat for the Lothians. Before that, he was a solicitor in private practice in Edinburgh .

What are the main points which you will be campaigning on in 2011?

“The main message on a national level is to continue to build on the good work we have done. to maintain the council tax freeze, to deliver visible police presence in our communities to grow the economy and to keep people in jobs and to make the improvements that have been made in the Health Service.

At a local level, I think it is to work hard for the community, to stand up for it where it has been appropriate such as Seafield Sewage Works the Viridor application in respect of the Portobello site, and to deal with the regular constituents problems as and when they happen myriad of matters such as housing or anti-social behaviour or whatever it is.”

Do you think that the problems in your constituency are

different or unique in any way?

“Well, some problems are unique but others are pretty universal not just within the city, but across the country – jobs, housing, lack of money, child support – all these things every MSP faces.”

Does being a Government Minister as well as a constituency MSP make your life very difficult

“Being a Government Minister means you have to have a good infrastructure and probably work longer hours, but I am privileged to serve as a Minister and a constituency MSP. I don't view one as precluding the other. Some meetings I turn up late for! But being here in Willowbrae Road in East Edinburgh, I am near Holyrood and also St Andrews House. I probably have an easier life than many of my colleagues who represent far flung areas. It makes it a longer day but that is what I signed up for. I can nip up to Holyrood and back very easily!”

Do you think that this time round, following the fourth Holyrood election, the Parliament will be a bit more mature?

“I think the dynamic was different in the last parliament as the SNP came in as a minority administration, and the time before the big issue was the new building but I think that each Parliament evolves and creates its own atmosphere. But yes in the fourth one we will have people with more experience, but it is really a continual evolution in each Parliament.”

Looking back what were the big issues last session for you in your constituency?

“The Viridor application for a waste treatment development at Portobello would have caused great problems for the area environmentally and in terms of traffic. There was a huge campaign and a fantastic local group raising funding. I gave

evidence at the planning enquiry, and I was able to provide parliamentary assistance to a genuinely grass roots campaign. I think it was pivotal to the application being refused.”

And looking forward what will be the East Edinburgh issues?

“I think as a constituency MSP you are there to lobby, to represent and argue. You don’t have the powers of direction in most things, but obviously there is the redevelopment of Craigmillar. We need housing. There is available land and we need to make progress there for the good of the area and regeneration of it, but also Edinburgh needs affordable housing. If we are not to lose people to West Lothian or elsewhere then we have got to make sure that gap is filled so it’s good to see Craigmillar beginning to rise again from the ashes. It is not good for the community or the city for there to be areas of wasteland around.

Thankfully there are no real major employment matters here at the moment. A lot of the unemployment may be in the public sector, whether the civil service or the health service and again it is a matter of supporting what I think is the right position of no compulsory redundancies. Maintaining jobs is important.

I would like to see the council starting to build council houses in this area, but the housing associations do a grand job. Craigmillar has been transformed for the better. The mixed tenure is adding to the area and that is what we have to continue to do. So they are the major things in East Edinburgh.

VIirdior has out another application back in again, despite having been rebuffed the first time so there will be more work to done there, and maintaining progress with Seafield Sewage Works which has been another area and issue of concern.”

We have to ask you about the Megrabi decision. Even last week on BBC Question Time your name came up, and people asked

why you were not there personally to take the questions about Megrahi.

“I have never been asked to appear on Question Time. They only appear here in Scotland about twice a year. It is a bit arrogant of them to say that! They put on someone like Nick Ferrari. What is his relevance to Scotland? It seems that it is just another Anglocentric view of the world.

On Megrahi I stand by my decision that I made following the rules and adhered to the values of the people of Scotland.

Do I think all my constituents agree with the decision – no, but equally I have many who are supportive and who have been happy to say so.

It is not a pre-requisite to be a lawyer before becoming Minister for Justice, but I find it helpful to have been a lawyer first because I have a certain knowledge of the law. But I find it equally helpful to have had a gap between being a lawyer and then going back to working in a legal sphere. I was the SNP spokesman for Transport and the Environment first when elected in 1999. I then became Minister for Justice around 2005. It was useful to have the knowledge but break the link first.

Had I become Justice Minister immediately after 1999 then I would have looked at it from the perspective of somebody who had been a practising solicitor. I think it was helpful to have a break in between. I think you need the distance to be objective.”

Are you proud of the legislative record of the parliament?

“Well, yes for example the no smoking legislation was progress made. We supported the no smoking ban. It was in the national interest to do this.

It is a tragedy that the opposition did not support the SNP on

bringing in legislation on minimum pricing of alcohol. It was in the national interest and was the right thing to do. It was not just the SNP saying it. It was the police, the BMA and the medical profession. It was those who worked on the frontline and the carnage is seen in our hospitals and on our streets.

Beyond that on other issues we have made a lot of progress and improved the laws of Scotland. There is still a lot more to be done. Fundamentally you can't make massive significant change till you have the powers to do so. I mean you have to be able to control the levers of the economy. But the changes that have been made in a variety of areas such as children's hearings and sexual offences, all of these have made Scotland a better place."

What about the recent threat to the Scottish criminal justice system and the final right of appeal being lost to London?

"I think the situation is unacceptable at the present moment and there are going to be changes. . Whether the changes will be radical enough for me I don't know. The High Court of Justiciary is not meant to be circumvented by a Supreme Court in England, but that is happening routinely, largely, it would appear, because of people using [devolution minutes](#). That was not what was anticipated but the bigger issue, bigger even than simply the matter of the final court of appeal in criminal matters, is that The Scottish Parliament and Scottish laws should not be routinely subject to what we had to do with Cadder. We should have the same rights and protections that any other Parliament would have to be able to address matters in due course, not to find yourself struck down and indeed to be challenged willy-nilly on laws that you have brought through." (Cadder was a Supreme Court decision in which it was ruled all suspects should be given access to a lawyer before being questioned by police).

"So I think we have got to make those legislative and judicial

changes to protect not just the integrity of the judicial system but the integrity of the legislature.”

With regard to Cadder it seems to be a bit of a bandwagon for some criminals who have already passed through the judicial system and been convicted. For example, the convicted murderer, Luke Mitchell, has recently made an appeal under the Cadder rule. What do you think about this?

“We took immediate steps to protect the integrity of the system. That is not to say that there have not been challenges and that there are not now going to be some manifest injustices. Some cases that would probably previously have resulted in prosecution may not now. It will fall to me to speak to the victims and to relay the problems to them. So I think that the changes that were brought about are to be regretted, but we are where we are, and what we now have to do is address the challenges, but equally make sure that we don't have to do this on a routine basis. So things are less bad than they could have been, but they are not ideal and the situation cannot remain as it is.

We have got to be sure that the High Court of Appeal in Scotland remains just that in criminal matters, with no circumvention by a court in London and equally, that when we introduce legislation it is not routinely second guessed by a legislature, and indeed individual lawyers ,who suddenly decide to oppose it.”

The SNP are at present in minority. Are you hopeful of a majority next time round?

“Every party standing in the election is going for a majority, although some are more realistic than others. I think it is recognised that it is probably only SNP or Labour who can form the administration and yes, we are going to try and get a majority to make sure that we can continue to build on what we have done and to advance the interests of the people of

Scotland.”

Do you want to still be Minister of Justice in the next parliament?

“My first emphasis is to be reelected as the constituency MSP and if we are in administration, both of which I am hopeful of, then I would be happy to be asked. I am honoured to serve as a Minister It is up to Alex (Salmond) of course. We are both Linlithgow boys and went to the same school, although he was a few years ahead of me – which he likes to deny of course!

The campaign is now up and running even ahead of March 22nd. The number of people involved in my campaign is probably around 70 or 80 in total. There are loads of people who help out from those stuffing envelopes in their own houses, to those who go out and knock on the doors and hand out leaflets.

And with that, he ushered The Reporter out, turning immediately to the waiting constituents to get started on the issue they had come to discuss with him.