

# Second Permanent Secretary appointed at BEIS

News story

Clive Maxwell has been appointed second Permanent Secretary at the Department for Business, Energy and Industrial Strategy.



Clive Maxwell

The Permanent Secretary at the Department for Business, Energy and Industrial Strategy (BEIS) has today (18 October 2022) announced, with the approval of the Prime Minister, that Clive Maxwell has been appointed as the new second Permanent Secretary at BEIS. Clive is currently Director General, High Speed Rail, at the Department for Transport.

The second permanent secretary will provide leadership across the whole breadth of the department's delivery portfolio, ensuring the department has the expertise and experience to deliver across a wide range of programmes, from energy support this winter to longer term investments.

The Secretary of State, Jacob Rees-Mogg, said:

Clive brings a wealth of experience to the new position of second permanent secretary at the department. BEIS has much to deliver for consumers and businesses, from vital support for energy bills to securing essential economic growth, and Clive will ensure this work is delivered successfully.

Permanent Secretary, Sarah Munby, said:

Clive is a fantastic addition to the team and will help ensure we're successful in delivering one of the most challenging and diverse portfolios in government. His recent experience leading one

of the government's very largest delivery programmes, HS2, will be invaluable and I look forward to working with him and welcoming him to the team.

Clive Maxwell said:

I'm delighted and excited to be joining BEIS, and playing a part in its vital work supporting economic growth and reform of energy markets. I'm looking forward to using my experience to help the Department with one of the biggest delivery portfolios in government.

Clive has been Director General, High Speed Rail at the Department of Transport, since 2017.

He has held Senior Civil Service roles across numerous departments since 2000, including:

- Director General, Energy Transformation, DECC / BEIS (2014-2017)
- Chief Executive, Office for Fair Trading (2012-2014)

Clive will start in post in November.

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## [Ensuring security of electricity supplies for winter 2022 to 2023](#)

Published 27 May 2022

Last updated 18 October 2022 [+ show all updates](#)

### 1. 18 October 2022

Letter from BEIS Secretary of State to the UK Country Chairman at Uniper.

### 2. 6 July 2022

Added letter to staff and management of Drax.

### 3. 1 July 2022

Added letter to staff and management of West Burton A.

4. 27 May 2022

First published.

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## CMA orders Meta to sell Giphy

The Competition and Markets Authority (CMA) has found that Meta's takeover of Giphy could allow Meta to limit other social media platforms' access to GIFs, making those sites less attractive to users and less competitive. It also found the deal has removed Giphy as a potential challenger in the UK display advertising market, preventing UK businesses from benefiting from innovation in this market.

The CMA published its original Phase 2 decision on this case in November 2021, finding that the deal could harm social media users and UK advertisers, and ordering Meta to sell Giphy. Meta subsequently appealed that decision to the Competition Appeal Tribunal (CAT). In July 2022, the CAT upheld the CMA's decision on 5 of the 6 challenged grounds. In particular, the CAT said it had "no hesitation" in concluding the CMA's finding – that the merger substantially reduced dynamic competition – was lawful.

The Tribunal only found in Meta's favour on a procedural ground relating to the sharing of third-party confidential information. In light of the finding, the CMA reconsidered its decision. The CMA has conducted an expedited review and is issuing its final decision today.

Over the past 3 months, an independent CMA panel has analysed additional third-party evidence, as well as new submissions from Meta and Giphy. Following its review, the CMA concluded Meta would be able to increase its already significant market power by:

- denying or limiting other social media platforms' access to Giphy GIFs, thereby pushing people to Meta-owned sites, which already make up 73% of user time spent on social media in the UK, or
- changing the terms of access – for example, it could require Giphy customers, such as TikTok, Twitter and Snapchat, to provide more data from UK users in order to access Giphy GIFs

The CMA found that GIFs continue to be an important driver of user engagement on social media platforms, with people making billions of searches globally each month for Giphy GIFs.

The CMA also found the merger would negatively impact the display advertising market. Before the merger, Giphy was offering innovative advertising services in the US and was considering expanding to other countries, including the UK. These services allowed businesses, such as Dunkin' Donuts and Pepsi, to

promote their brands through visual images and GIFs.

The CMA found that Giphy's advertising services had the potential to compete with those of Meta, and would have encouraged greater innovation from Meta and other market players. However, Meta terminated Giphy's advertising services upon acquisition, removing a potential ad tool for UK businesses. The CMA considers this particularly concerning given Meta controls almost half of the £7 billion display advertising market in the UK.

The CMA has concluded the only way to avoid the significant impact the deal would have on competition is for Giphy to be sold off in its entirety to an approved buyer.

Stuart McIntosh, Chair of the independent inquiry group carrying out the remittal investigation, said:

This deal would significantly reduce competition in 2 markets. It has already resulted in the removal of a potential challenger in the UK display ad market, while also giving Meta the ability to further increase its substantial market power in social media.

The only way this can be addressed is by the sale of Giphy. This will promote innovation in digital advertising, and also ensure UK social media users continue to benefit from access to Giphy.

For more information, [visit the Meta/Giphy case page](#).

1. For media queries, please contact the press office on [press@cma.gov.uk](mailto:press@cma.gov.uk) or on 020 3738 6460.
2. Members of the general public can contact the CMA for information about this update on 020 3738 6000 or [general.enquiries@cma.gov.uk](mailto:general.enquiries@cma.gov.uk).
3. The CMA found that the merger would lead to a Substantial Lessening of Competition (SLC) in the following markets: (i) social media services worldwide (including in the UK) due to foreclosure of rival social media platforms; and (ii) display advertising in the UK due to a loss of dynamic competition.
4. Meta was known as Facebook, Inc until October 2021 when the company changes its corporate name.
5. The [Competition Appeal Tribunal issued its judgment on Meta's appeal](#) on 14 June 2022.

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**[Inspection report published: An](#)**

# inspection of juxtaposed controls, April – May 2022

News story

This inspection team visited the UK Border Force juxtaposed controls at Paris Gare du Nord and Coquelles. The report makes 3 recommendations.



Publishing the report, David Neal, the Independent Chief Inspector of Borders and Immigration (ICIBI), said:

I welcome the publication of this report, which examined the quality of decision making at juxtaposed controls. Inspectors conducted a sample of 109 Border Force records for passengers subjected to further examination at all juxtaposed controls throughout March 2022, and visited Paris Gare du Nord and Coquelles, France, to observe practices on the ground.

Overall, this inspection found that staff were generally doing an effective job and that decision making was generally conducted in line with guidance, policy and the Immigration Rules, though this was caveated by the fact that poor record keeping sometimes made it difficult to tell whether a decision was correct. I was particularly pleased to see that the principles of the 'ethical decision-making model' were being applied.

I made three recommendations. First, on improving record keeping and ensuring the rationale underpinning decisions was clearly articulated. Second, on introducing guidance and policy instructions for Border Force staff on the use of 'elect to embark', which I found was currently being applied inconsistently and possibly incorrectly. Finally, in light of transparency data that suggested Romanian nationals are subjected to greater levels of questioning at juxtaposed controls than other nationals, I recommended that the Home Office conduct a review to ascertain on what grounds particular nationalities were being subjected to

greater levels of scrutiny.

It is disappointing that, of the three recommendations made, one has been rejected, and two were only partially accepted on the basis of the Home Office being unable to meet the stated timeframe for implementation. This was partly due to the Home Office already having some projects in train (such as the Border Crossing project), though receipt of my report does not appear to have influenced a more rapid introduction of this technical solution.

Further, it is disappointing that the Home Office has rejected my recommendation regarding the disparate treatment of certain nationalities at the juxtaposed controls. While I accept that immigration functions are exempt from certain elements of the Public Sector Equality Duty and the Home Office has provided an assurance that passengers are not being targeted on the basis of nationality, my inspectors could not be satisfied that the current approach taken by Border Force in respect of the questioning and examination of arriving passengers of certain nationalities at juxtaposed controls could be objectively justified.

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## **[Inspection Report Published: An inspection of the Home Office's processing of family visas September 2021 – February 2022](#)**

News story

This inspection examined the Home Office's processing of indefinite leave to remain applications on the family visa route.



The inspection report focused on:

- the efficiency of the process and the quality of decisions
- the accessibility of the application process for applicants
- the impact on an applicant (and their family) when they are placed on a 10-year route to settlement
- whether assurances are in place to ensure that discretion is being exercised in decision-making, where appropriate, to put the applicant at the forefront of the process.

Publishing the report, David Neal, the Independent Chief Inspector of Borders and Immigration (ICIBI), said:

I welcome the publication of my report into the processing of indefinite leave to remain (ILR) applications on the family visa route (under Appendix FM).

This was a positive inspection and my inspectors found that decision makers were employing evidential flexibility rather than automatically refusing applications. This demonstrates a team that is taking steps to see the 'face behind the case' and is encouraging to see in the post-Windrush era.

However, clearer and more readily accessible guidance on how to submit an application and the evidence required, with updates on application progress from the Home Office, would represent better 'value for money' for the applicant. I hope that the focus on Customer Services as part of the transformation of the Home Office ("One Home Office") will go some way to address the complexity of the application process.

Home Office data indicates that the vast majority of applications that reach the ILR stage are granted, so delay, complexity and barriers to full integration into our society seem unnecessary.

I find the 6-month service standard difficult to reconcile when compared with the shorter service standards for entry

clearance and further leave to remain applications on the same route. The lack of an effective triage system, which results in straightforward applications (95% of which will be granted ILR) sometimes being delayed until the 5-month point, is unfair and needs to be fixed quickly.

Finally, given that it is 10 years since Appendix FM was introduced, the Home Office should collect targeted data to understand the impact of the 10-year route on low-income families and those who become undocumented due to the protracted route to settlement, which should inform a refresh of the Equality Impact Assessment.

This report made 4 recommendations. The Home Office has accepted 2 of them and partially accepted 2. I am pleased that work is already underway to implement them.

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